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International Covenant on Economic, Social and Cultural Rights

Second Report of Canada on articles 6 to 9

December 1987

Canada

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INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SECOND REPORT OF CANADA

on the Implementation of the Provisions of

Articles 6-9 of the Covenant

December 1987

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FOREWORD

This report was submitted to the Secretary-General of the United Nations in May 1987. Canada acceded to the International Covenant on Economic, Social and Cultural Rights in May 1976 and is required to submit periodic reports on its implementation. Canada's first report on articles 6-9, dealing with the right to work, the right to just and favourable conditions of work, trade union rights and the right to social security, was presented in 1981. The first reports on articles 10-12, concerning the protection of the family, mothers and children, the right to an adequate standard of living and the right to health, and on articles 13-15, dealing with the right to education, the right to take part in cultural life and the right to enjoy the benefits of scientific progress, were submitted in 1983 and 1985, respectively. With this report Canada is launching the process of its second reports to the United Nations under this important international Covenant.

Reports are prepared in close collaboration with the governments of the provinces and territories, providing each jurisdiction with the occasion to examine measures which have been taken to implement the provisions of the Covenant. This examination, along with numerous consultations which accompany it, is an invaluable process in facilitating the implementation of the Covenant in Canada.

These reports are published in Canada so that they can be made available to interested groups and individuals. Through their publication, it is hoped that Canadians will be encouraged to become familiar with the measures adopted in Canada to ensure the implementation of the Covenant and to broaden their understanding of the obligations contracted by Canada through its accession to this important international treaty. To facilitate consultation of the report, an index, as well as the text of the Covenant, have been attached.

Copies of the report, in Canada's two official languages, can be obtained from the Communications Directorate or the Human Rights Directorate of the Department of the Secretary of State in Ottawa, or at any regional or local office of the Department of the Secretary of State throughout Canada. These reports are distributed free of charge.

December 1987

Human Rights Directorate
Department of the Secretary of State
Ottawa, Canada
K1A 0M5

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PART I: GENERAL INTRODUCTION

1. The present report is the second presented by Canada on the implementation of articles 6-9 of the International Covenant on Economic, Social and Cultural Rights. The first report was submitted in April 1981 and was issued as U.N. document E/1978/8/Add.32. It was reviewed by the Sessional Working Group on the Implementation of the Covenant on April 5, 1982 (E/1982/WG1/SR.1-2).

2. The report contains information on measures adopted by the federal, provincial and territorial governments concerning the implementation of the articles under review, with a section on each jurisdiction prepared in most cases by the government concerned. Each section was prepared on the basis of the guidelines proposed by the Secretary-General for reports under articles 6 to 9. The headings of the guidelines, in a summary form, generally serve as headings for the individual sections, and are typed in bold characters.

3. In accordance with the guidelines issued by the Secretary-General for the second report, as a general rule only information on new measures adopted since the presentation of the first report has been inserted. For a more complete picture of the state of implementation of articles 6-9 in Canada, the present report should be considered along with the first report. Other reports, more particularly the report on articles 10-12 (E/1980/6/Add.32) and 13-15 (E/1982/3/Add.34) of the Covenant, the initial report on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW/C.5/Add.16), and the reports submitted under the International Convention on the Elimination of All Forms of Racial Discrimination, also contain relevant information. The reports submitted to the International Labour Organization may also be relevant, more particularly the reports under the Discrimination (Employment and Occupation) Convention, the Employment Policy Convention, the Employment Service Convention, the Equal Remuneration Convention, the Equal Remuneration Recommendation, and the Freedom of Association and Protection of the Right to Organize Convention. All these reports contain information on measures adopted by the federal, provincial and territorial governments.

4. Other relevant publications include: Highlights of major developments in labour legislation, Labour standards in Canada, and Directory: Occupational Safety and Health Legislation in Canada, 1986, all published by the federal Department of Labour. Copies of recent editions of these publications are attached.

5. The distribution of powers with regard to the subject matters covered in articles 6-9 was explained in the General Introduction to Canada's first report. It should be recalled that the provinces have the main responsibility for the implementation of the provisions of these articles.

6. Canada's Constitution was modified in 1982 by the adoption of the Constitution Act, 1982 which contains the Canadian Charter of Rights and Freedoms. The provisions of the Constitution Act, 1982 were explained in the General Introduction to Canada's report under articles 10-12 of the Covenant as well as in the General Introduction to Canada's sixth report under the International Convention on the Elimination of All Forms of Racial Discrimination. Of particular relevance to articles 6-9 of the Covenant are:

- section 1, which provides that the rights and freedoms set out in the Charter are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society;

- section 2, which guarantees the fundamental freedoms of conscience, expression, peaceful assembly and association;

- paragraph 6(2)(b), which recognizes the right of every citizen of Canada and every permanent resident to pursue the gaining of a livelihood in any province; in accordance with subsections 6(4), paragraph 6(2)(b) does not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada;

- section 15, which states that every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination, and which permits the adoption of measures aimed at the amelioration of conditions of disadvantaged individuals or groups;

- section 28, under which the rights and freedoms referred to in the Charter are guaranteed equally to male and female persons; and

- section 36, which commits the Government of Canada and the provincial governments to promote equal opportunities for the well-being of Canadians, to further economic development to reduce disparity in opportunities, and to provide essential public services of reasonable quality to all Canadians. Section 36 also commits the Parliament and Government of Canada to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonable comparable levels of taxation.

7. The Constitution Act, 1982 came into force on April 17, 1982, with the exception of section 15 which came into force on April 17, 1985.

8. There have been a number of court cases on the implications of section 2 of the Canadian Charter of Rights and Freedoms, in the context of trade unions. In the first of these cases to come before the Supreme Court of Canada, Retail, Wholesale and Department Store Union, Local 580 et al. v. Dolphin Delivery Ltd. et al. (Dec. 18, 1986), the Court concluded that picketing by members of a trade union in a labour dispute comes within the ambit of section 2(b) of the Charter, which guarantees freedom of expression. However, in the circumstances of that case it upheld an injunction against secondary picketing (that is, against a third party to the dispute) on the ground inter alia that it involved a reasonable limit on a Charter freedom within the terms of section 1 of the Charter.

PART II: GOVERNMENT OF CANADA

9. The Canadian Human Rights Act, S.C. 1976-77, c. 33, was amended in recent years to afford better protection against discrimination based on sex and disabilities, in particular. Details of the amendments can be found in Canada's report on articles 13-15 of the Covenant, at paragraphs 11-13, and in Canada's seventh and eighth reports under the International Convention on the Elimination of All Forms of Racial Discrimination, at paragraphs 66-68 and 53 respectively.

10. The Act now expressly prohibits harassment (including sexual harassment) on any of the prohibited grounds, as well as discrimination based on pregnancy or childbirth. The Canada Labour Code, R.S.C. 1970, c. L-1, following amendments adopted in 1984, also prohibits sexual harassment in the workplace and it obligates employers to establish a policy on sexual harassment and to make all persons under their direction aware of that policy. The Code applies to areas under federal jurisdiction. The Government of Canada, as an employer, has adopted such a policy which covers sexual harassment and any type of personal harassment at the workplace.

11. Following the tabling of a discussion paper entitled Equality Issues in Federal Law by the Minister of Justice in January 1985, Parliament established a Parliamentary Committee on Equality Rights to hold public hearings and prepare a report on equality issues. The Committee's report, entitled Equality for All, makes recommendations on appropriate means of ensuring that the right to equality guaranteed by section 15 of the Canadian Charter of Rights and Freedoms is fully realized in Canadian society in regard to matters coming within federal jurisdiction.

12. In its response entitled Toward Equality, the Government has made commitments to implement some of the recommendations of the report and to further study the other issues raised. Many of these commitments pertain to matters covered by articles 6-9 of the Covenant - for example, those relating to the abolition of mandatory retirement, the prohibition of discrimination based on sexual orientation, the expansion of the role of women in the Canadian Armed Forces, eligibility for benefits of part-time workers and the duty of employers to make reasonable accommodation to the needs of members of groups protected from discrimination by the Canadian Human Rights Act.

13. The Parliamentary Employment and Staff Relations Act, Bill C-45 adopted in June 1986, will, once in force, extend the application of the Canada Labour Code to certain employees of the Parliament of Canada with regard to such matters as labour standards, health and safety, and collective bargaining rights.

ARTICLE 6: THE RIGHT TO WORK

B.(1) Right to gain a living by work freely chosen

14. Numerous initiatives have been taken with regard to equality in employment in recent years. They include the setting up, in June 1983, of a Royal Commission of Inquiry on Equality in Employment which submitted its report in October 1984, the development of affirmative action programs in the private and public sectors, the adoption of the Employment Equity Act in April 1986, and the Federal Contractors Program in October 1986. These initiatives aim at achieving equality in employment for the groups concerned - women, persons with

disabilities, indigenous people, and members of visible minorities. More details on these initiatives can be found in Canada's seventh and eighth reports under the International Convention on the Elimination of All Forms of Racial Discrimination, at paragraphs 33-34 and 44-54 (seventh report) and 18 and 23-33 (eighth report).

15. The Employment Equity Act, which applies to areas under federal jurisdiction, came into force in August 1986. Following the adoption of the Act, the government has issued a number of directives and documents to facilitate its implementation, including regulations, a guide to employment equity for employers, an employer's handbook for reporting on employment equity, a policy and reference guide on employment equity for Crown corporations, and an information package for contractors who do business with the Government of Canada. Copies of these are forwarded with the report.

16. The Government has taken new initiatives to improve the representation of visible minorities in the federal public service. For example, the Public Service Commission obtained Governor in Council approval of an Exclusion Approval Order which will favour the appointment of members of visible minority groups to certain positions in the public service by excluding such persons and specific positions from a number of provisions of the Public Service Employment Act. The Order and Regulations are in effect from December 22, 1986 to March 31, 1989.

17. In order to ensure that this new provision is effectively applied, the Public Service Commission has established program co-ordinators in each of its regional offices as well as a special section in the Affirmative Action Division to ensure effective recruitment and referral and program management.

(2) Policies and techniques to achieve economic development

18. In November 1982, the Government created the Royal Commission on the Economic Union and Development Prospects for Canada to inquire into and report upon the long-term economic outlook for Canada (Order in Council P.C. 1982-3438). The Commission presented its report and recommendations in September 1985. The recommendations are under consideration.

19. Following a reorganization launched in 1982, the Department of Regional Economic Expansion and the Department of Industry, Trade and Commerce have been amalgamated to form the new Department of Regional Industrial Expansion. Among other activities to stimulate economic development and reduce regional disparities, the new department provides aid to industry and enters into agreements with the provinces for joint and/or co-ordinated undertakings.

20. In January 1984, the Government of Canada established the Canadian Labour Market and Productivity Centre. The Centre involves labour and business in examining productivity in both the public and private sectors, as well as reconciling the advantages of technology with the needs of workers.

21. The Ministry of State for Economic Development was disbanded in 1984 and its responsibilities were transferred to the Department of Finance and the Department of Regional Industrial Expansion. A Cabinet Committee on Economic and Regional Development provides for the co-ordination of related activities and policies.

22. In November 1984, the newly elected government set up an Agenda for Economic Renewal focussed on providing the conditions for productive economic growth. Steps taken to create these conditions include the Federal-Provincial First Ministers Conference on the Economy held in February 1985 and a National Economic Conference, chaired by the Prime Minister and attended by people involved in various sectors of the economy, held the following month. The budgets announced subsequently (May 1985 and February 1986) also focussed on measures to secure economic renewal. The creation of jobs and the reduction of the budgetary deficit figure among the top priorities of the government.

23. The Native Economic Development Program started March 27, 1984, for a four-year term, with $345 million in capital. Its objective is to foster economic self-reliance for Native people by providing direct financial investments for viable Native-owned business ventures and economic projects. Other initiatives to improve Native economic development place an emphasis on greater self-reliance and community control.

(3) Organization of the employment market, and
(4) Technical and vocational guidance and training programs

24. The Employment and Immigration Commission continues to operate a free public employment service designed to help individuals find employment and employers find employees. Major innovations include the introduction of a computerized Metropolitan Order Processing System in several large metropolitan centres which enables employers and job seekers to obtain immediate, city-wide information about workers and jobs available. On a country-wide basis, the National Job Bank, a telephone computer system, can pinpoint employment opportunities anywhere in Canada.

25. The Commission also continues to deliver, in co-operation with the provinces, training programs designed to increase the skills and employability of Canadians.

26. The Adult Occupational Training Act has been replaced by the National Training Act, S.C. 1982, c. 109, adopted in 1982, which provides for more flexibility in the delivery of training programs. Various special training initiatives have been undertaken to reach target groups, and in particular, women, Native people and young persons.

27. Numerous employment development and job-creation programs have also been implemented. The major thrust of these programs is to facilitate the obtaining of employment by people belonging to various employment-disadvantaged groups, for example, women, Native people, young people, students, persons with disabilities and older people.

28. A major reform of training and employment development programs has been undertaken in 1985 following the adoption of a new Canadian Jobs Strategy.

(5) Protection against arbitrary termination of employment

29. Amendments to the Canada Labour Code have strengthened the protection against arbitrary termination of employment, for example, in case of sickness (section 61.4(1)) or garnishment proceedings (section 61.3). The time limit for registering complaints of unjust dismissal was increased from 30 to 90 days following the date of dismissal (section 61.5(2)).

30. The period of notice in case of group termination of employment has been extended. Employers must now give an advance notice of at least 16 weeks when they intend to terminate the employment of 50 or more employees within any 4-week period (section 60(1)).

(6) Protection against unemployment

31. Protection against unemployment is provided under the terms of the Unemployment Insurance Act, 1971, S.C. 1970-71-72, c. 48, and through the programs discussed above, such as job creation, employment service and training.

C. Data on employment and unemployment

32. The participation rate of the population 15 years of age and older in the labour force grew from 62.7% in 1978 to 65.2% in 1985. The growth is mainly attributable to the large number of young people and women entering the labour force; the participation rate of young people, ages 15-24, grew from 64.4% to 67.4% during that period and the participation rate of women from 47.9% to 54.3%, while the participation rate of men decreased from 78.1% to 76.7%.

33. The growth of the labour force and the recession of the early 1980s explain in part the high level of unemployment that Canada experienced in recent years. From 8.3% in 1978 the rate dropped to 7.5% in the following three years, but climbed to 11% in 1982 and 11.9% in 1983. It has declined consistently since then, averaging 11.3% in 1984 and 10.5% in 1985. As of December 1986, the rate of unemployment had dropped to 9.4%.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

34. From $3.50 per hour in 1981, the minimum wage in areas under federal jurisdiction was raised to $4.00 per hour in May 1986. The separate minimum wage rates which existed previously for young people was abolished. Also, the provision which permitted the Minister of Labour to approve wage rates below the minimum wage for handicapped employees was repealed by an amendment to the Canada Labour Code in 1984.

35. The Canadian Human Rights Act requires employers under federal jurisdiction to pay men and women equally for work of equal value. The Canadian Human Rights Commission investigates alleged violations of the equal pay provisions and may refer complaints to a Human Rights Tribunal for adjudication. By August 1986, the Commission had received 75 such complaints. Thirty-two had been dismissed or withdrawn and 21 had been settled, resulting in about $22 million in retroactive pay for about 5,000 Canadian workers and annual pay increases totalling $13 million in the first year after the settlements. Other workers benefited from the ripple effect when, after settlements, employers voluntarily applied the equal pay for work of equal value principle to other workers.

36. The Commission disseminates information to help employers and employees understand the principles of equal pay for work of equal value as stated in section 11 of the Act. It has issued equal wages guidelines, has published an interpretation guide to section 11 of the Act, a working paper on the methodology and principles for applying the section, as well as a casebook on cases reviewed between 1978 and 1984.

37. The Equal Pay Program, established in 1984 within the Department of Labour, aims to enhance voluntary employer compliance with the equal pay for work of equal value provisions of the Canada Labour Code and the Canadian Human Rights Act.

38. The Women's Bureau of the Department of Labour continues to publish Women in the Labour Force: Facts and Figures which serves as a source of information and guide to the position of women in the labour force, particularly their salaries and occupational representation. The Bureau published several additional discussion papers as well as statistics on equal pay and related issues.

39. In 1984, the Women's Bureau celebrated its 30th anniversary with a conference which put special emphasis on equal pay for equal work. A publication commissioned by the Bureau for the occasion, Canadian Attitudes Toward Women: Thirty Years of Change, contains a section which examines the effectiveness of equal pay for equal work in reducing the wage gap between men and women.

40. The gap between the earnings of men and women remain a subject of preoccupation although slight improvements can be observed. In 1977, the earnings of women working full-time (50-52 weeks) were 62.1% of those of men working full-time. The percentage rose to 63.3% in 1979, 63.6% in 1981, 64.9% in 1983, and 66% in 1984.

B. Safe and healthy working conditions

41. Substantial amendments were made by Parliament in 1984 to the occupational safety and health provisions (Part IV) of the Canada Labour Code through amendments to the Code and the Financial Administration Act. New provisions which extend the application of Part IV to the federal public service were proclaimed into force in March 1986. Other provisions that will extend the application of Part IV to the operation of ships, trains and aircraft, the operation of pipelines, and petroleum exploration and development in Canada lands (actually, safety standards for these operations are set out in various statutes), as well as a provision allowing the exclusion from Part IV of atomic energy related enterprises, will be proclaimed once necessary adjustments have been made.

42. New Canada Occupational Safety and Health Regulations were adopted and became effective March 31, 1986, replacing 20 regulations previously made under the Code. These are comprehensive regulations which deal with many types of work-related hazards and prescribe a wide variety of safety standards, the manner of performing duties, things that are required under the Code, and other matters related to employers' and employees' duties under the Code. Among other things, safety standards are prescribed in more detail than in the former regulations, and the discretionary powers formerly attributed to safety officers have been eliminated. Also, the Safety and Health Committees and Representatives Regulations, which became effective March 31, 1986, replace the former regulations on safety and health committees. The Coal Mines Safety Regulations remain in effect.

43. In 1984, the Uranium Mines (Ontario) Occupational Health and Safety Regulations were adopted under the Atomic Energy Control Act. The purpose of these regulations is to establish uniformity in the laws governing occupational health and safety in mines, including uranium mines, in the province of Ontario. They

adopt, by reference, the legislation of Ontario with respect to general health and safety of employees at uranium mining facilities. As well, amendments were made to 17 regulations under the Canada Labour Code, excluding uranium and thorium mines from their application.

44. Amendments were made to the Atomic Energy Control Regulations. These amendments require female atomic radiation workers who become pregnant to inform their employer of their pregnancy. The employer must then inform any licensee in respect of whose business the employee is working. The table of maximum permissible radiation doses has been amended to subject female atomic radiation workers to the same limits of exposure as male atomic radiation workers except during a period of pregnancy, for which a lower maximum dose is fixed.

45. The Canadian Centre of Occupational Health and Safety mentioned in the previous report is now in operation and provides a free service of information and advice on occupational health and safety issues.

C. Equal opportunity for promotion

46. Following amendments to the Canada Labour Code in 1984, employers are prohibited from considering an employee's pregnancy or intention to take leave in any decision to promote or train the employee. In addition, employees who intend to take leave may request in writing to be informed of any employment, promotional or training opportunities which may arise during their leave, and the employer must provide such information in writing.

D. Rest, leisure, limitation of working hours and holidays with pay

47. In the past, many part-time employees were unable to qualify for general holiday pay because the Canada Labour Code required that employees be entitled to wages for at least 15 days during the 30 calendar days immediately preceding the general holiday on which they did not work to qualify. Following an amendment to the Code, such employees are now entitled to pay on such days, equivalent to 1/20th of gross wages earned during the 30-day period (section 56(3)).

48. Changes have been made to the Canada Labour Code maternity leave provisions. The service requirement for entitlement to maternity leave has been reduced from 12 months of continuous employment with one employer to six months. Pregnant employees are still entitled to 17 weeks of unpaid leave. In addition, natural and adoptive parents are entitled to a further period of unpaid leave to a maximum of 24 weeks. Where both parents are employed in federal undertakings, the 24 weeks may be shared between them. Employees who are unable to work for medical reasons related to pregnancy or childbirth are entitled to sick leave with pay. Finally, a one-day paid leave is provided to all parents for needs related to the birth of a child.

49. Employees' pension, health and disability plans are to continue in force throughout the leave period as though they were at work. If an employee normally contributes financially to such plans, he or she must make the required contributions. Seniority also continues to accumulate during leave and employees retain their job security.

ARTICLE 8: TRADE UNION RIGHTS

50. Amendments to existing legislation and new legislation clarified and extended trade union rights.

51. Formerly, under the Canada Labour Code (Part V - Industrial Relations), the "duty of fair representation" clause required, in quite general terms, that unions represent all bargaining unit members fairly. The amended clause adopts the more precise proscriptive language used in other jurisdictions, which requires that unions not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of employees in the unit. In addition, the amendment restricts the application of the fair representation provision to the administration of the collective agreement.

52. The Code formerly permitted the parties to negotiate the union security and dues check-off regime that would apply. This was one of the prime causes of disputes and work stoppages with respect to first collective agreements. The amendment stipulates that where a bargaining agent so requests, the collective agreement must include the so-called Rand Formula wherein all members of the bargaining unit pay union dues, although they are not compelled to become union members. The Canada Labour Relations Board is empowered to permit exemptions from both union membership and the payment of union dues on the grounds of religious conscience.

53. The provisions of the Code were designed to encourage labour and management to negotiate mechanisms to deal with the introduction of technological change in the workplace. Amendments to these provisions further encourage this negotiation approach. Employers are required to give bargaining agents a minimum of 120 days notice of their intention to introduce a technological change. An employer who fails to give this notice may be subject to the re-opening of any existing collective agreement applicable to the employees.

54. The Canadian Human Rights Act, following amendments in 1983, now specifies that all persons subject to a collective agreement, whether they are members of the union or not, are protected from discrimination on the part of the union, and it prohibits discriminatory practices on the part of organizations of employers as well as by individual employers.

55. Finally, once proclaimed into force, the Parliamentary Employment and Staff Relations Act will confer collective bargaining rights on employees of the Senate, the House of Commons, and the Library of Parliament, subject to exclusions such as the staffs of ministers and the staffs of members of Parliament. Employee organizations will make certification applications to the Public Service Staff Relations Board. If negotiations are unsuccessful, conciliation services will be provided to the parties by the Board. Disputes will be settled by binding arbitration; there will be no right to strike.

ARTICLE 9: RIGHT TO SOCIAL SECURITY

Health care

56. The Hospital Insurance and Diagnostic Services Act and the Medical Care Act have been replaced by the Canada Health Act, S.C. 1984, c. 6, which came into force on April 1, 1984. The main features of the health care system as established in the previous legislation have not been altered in the new Act.

Canada Pension Plan

57. Many changes made to the Canada Pension Plan to adapt benefits to the changing needs of Canadians and to put the Plan on a sound long-term footing became effective on January 1, 1987. The Plan applies everywhere in Canada, except in Quebec which operates its own plan.

58. Contributors to the Plan now have the option of drawing a retirement benefit as early as age 60 and as late as age 70. Retirement pensioners and their spouses can share their retirement pensions. Contributors who become disabled and all those already receiving disability benefits will have their benefits increased.

59. New entrants to the work force and those returning to the work force after an absence will have earlier disability coverage. Persons receiving survivor benefits will no longer have their benefits discontinued if they remarry. Those whose benefits have been discontinued may apply to have them reinstated.

60. Dependent children will be eligible for up to two benefits if both parents' earnings have been lost through disability or death. In order to receive children's benefits, it will no longer be required that children never have been married. The requirement that children between 18 and 25 be in full-time attendance in school without substantial interruption will be withdrawn.

Employment injury benefits

61. In 1981, section 2 of the Government Employees Compensation Act (federal) has been modified to extend its coverage to employees or officers of the House of Commons, the Senate, and the Library of the Canadian Parliament.

Unemployment insurance and benefits

62. A Commission of Inquiry on Unemployment Insurance was appointed by Order in Council in July 1985 to inquire into the various aspects of the Unemployment Insurance Program. The Commission submitted its report in November 1986. Upon tabling the report in the House of Commons, the Minister of Employment and Immigration indicated that the report, along with other studies, would be used as references in the government's consideration of unemployment insurance and that proposals would be submitted to the House of Commons to improve and simplify the unemployment insurance system to make it fairer and to ensure that it encourages opportunities in the labour market.

63. The Labour Adjustment Benefits Program, established in May 1982, is designed to provide, as a last resort, financial assistance to older displaced workers in designated industries. Under the program, benefits are available to Canadian citizens and permanent residents who are 54-64 years of age (and 47-53 under certain criteria), who have been employed in the relevant designated industries for at least 10 of the 15 years preceding their layoff, who have exhausted all benefits under the Unemployment Insurance Program, and who have no prospect for employment. The initial benefit rate is set at 60% of the average insurable earnings of the employee at the date of the layoff, is indexed yearly on the cost of living, and may last until the person has reached age 65 or the employment situation has changed.

International co-operation

64. Since 1979, Canada has entered into international social security agreements with a number of countries. The objectives of these agreements are to ease or eliminate restrictions on the payment of social security benefits abroad, to eliminate situations in which a worker may have to contribute to the social security programs of both countries, and to assist migrants in meeting eligibility conditions for benefits based on their participation in the social security system in each country. The Canadian programs covered in these agreements are the Old Age Security program and the Canada Pension Plan. As of January 1987, Canada had such agreements in force with Barbados, Belgium, Denmark, France, Greece, Italy, Jamaica, Norway, Portugal, Sweden and the United States. Agreements had also been signed (to come into force upon ratification) with Finland, the Federal Republic of Germany, Luxembourg, Saint Lucia and Spain.

PART III: PROVINCIAL GOVERNMENTS

ALBERTA*

General Information

65. Alberta's contribution to the first report provided information on legislation, practices and policies that gave effect to the provisions of the Covenant. The present report updates that information to April 1986.

Information in Relation to Each of the Articles

ARTICLE 6: THE RIGHT TO WORK

Principal laws

66. The Labour Relations Act (RSA 80, cL-1.1 am) and the Employment Standards Act (RSA 80, cE-10.1 am) were enacted in 1980 to replace the Alberta Labour Act. This did not result in major substantive changes in regard to the right to work. The Employment Standards Act provides for the protection of agriculture and domestic workers in respect of notice of termination and recovery of wages. Copies of both Acts are submitted with this report.

67. The Individual's Rights Protection Act was amended in 1985 so that pregnant women are now protected against dismissal from their job and against terms and conditions of employment which would discriminate against them "by reason only of pregnancy".

68. The Department of Advanced Education and Manpower was restructured into two departments in 1983 - the Department of Advanced Education and the Department of Manpower. There were no significant changes in legislation and programs to accompany the change in departmental structure.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

Safe and healthy working conditions

Principal laws

69. Under the Occupational Health and Safety Act, when an incident occurs which results or has the potential to result in serious injury or death, the employer or principal contractor is obliged to notify the Director of Inspection and conduct an investigation. An investigating officer is sent to examine the work site to determine the causes of the incident.

70. The Act also allows a worker, on reasonable and probable grounds, to refuse to carry out work or use tools and equipment where there exists an imminent danger to his or another worker's health and safety. Disciplinary action of the worker by the employer is prohibited and any worker who has reasonable cause to believe that he has been subjected to disciplinary action as a result of complying may file a complaint with an officer. The officer,

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* Report prepared by the Government of Alberta.

following investigation, may issue orders including: ceasing of disciplinary action; reinstatement of employee to previous employment conditions; payment of costs and wages; and removal of reprimand.

71. The Act gives the Lieutenant Governor in Council authority to make regulations respecting the health and safety of workers. Regulations now exist in the following areas: asbestos, chemical hazards, coal dust, construction safety, designated work sites (for committees), designation of hazardous materials, designation of occupations, designation of serious injury and accident, explosives safety, first aid, general accident prevention, grain elevators, grain annexes, flour mills, feed mills, seed cleaning plants, grants, joint work site health and safety committees, lumbering safety, noise, petroleum and natural gas safety, silica, vinyl chloride monomer.

72. Other legislation administered by the Occupational Health and Safety Division includes the Coal Mines Safety Act (RSA 80, cC-15, am), the Quarries Regulation Act (RSA 80, cQ-1, am), the Radiation Protection Act (RSA 80, cR-2), and the Radiological Technicians Act (RSA 80, cR-3).

73. The co-ordinated delivery of service in the Occupational Health and Safety Division is carried out through 10 branches. In addition to the seven branches identified in the previous report, three branches have been created to develop and maintain an efficient working organization: Operational Support - provides specialist staff support to Work Site Services; Education and Program Development - develops, co-ordinates and delivers educational services to promote occupational health and safety; and Communications - plans, develops and co-ordinates public affairs and general promotional activities, and produces and co-ordinates distribution of promotional and informational materials on behalf of division programs.

Implementation procedures

74. The Farm Safety Program was initiated by the Occupational Health and Safety Division and is now under the jurisdiction of the Department of Agriculture.

Data on occupational accidents and diseases

75. The Workers' Compensation Board of Alberta collects claims for work-related injuries and illnesses including lost time accidents (where the worker is compensated for wages for time lost from work), permanent disability and fatalities. As of January 1, 1982, medical aid claims (involving payments for medical treatment) were no longer reported to the Workers' Compensation Board. The Department of Hospitals and Medical Care now administers these claims. The Annual Reports of the Workers' Compensation Board present statistics for all claims (other than medical aid claims) reported in each year.

76. The Research Branch of the Occupational Health and Safety Division uses data from the Workers' Compensation Board with respect to claims information and reports of fatal accident investigations carried out by the Division's staff.

Rest, leisure, limitation of working hours and holidays with pay

77. Section 27 of the Employment Standards Act gives the Director of Employment Standards the authority to issue a permit authorizing extended hours

of work to the extent necessary to avoid serious interference with the ordinary working of a business, undertaking or activity. Further, section 27(c) of the Act provides for regulations permitting extended hours of work.

78. Hours of work, minimum wage and rest and leisure time provisions of the Employment Standards Act are uniformly enforced throughout the province by the Employment Standards Branch of the Alberta Department of Labour. Section 6 of the Act empowers the Director of Employment Standards to delegate his responsibilities to employees of the Crown in right of Alberta. Under section 12 of this Act, such employee (officer) has the authority to make any inspection, investigation and inquiry that is necessary to ascertain compliance to the provisions of the Act relevant to hours of work, minimum wage and rest and leisure time.

79. Section 70 of the Employment Standards Act authorizes the Lieutenant Governor in Council to appoint provincial judges to act as umpires with respect to collection of wages, overtime pay, entitlements and maternity benefits. An umpire has the same powers as are conferred on a provincial judge by the Criminal Code to compel attendance of witnesses who may be able to give evidence to an appeal before him. Section 99 of the Act states that if an order of an umpire is not complied with, the Director of Employment Standards may file the order with the Court of Queen's Bench which makes it enforceable as an order or judgement of the Court. These provisions provide for a more expeditious system to resolve disputes between individual employers and employees.

ARTICLE 8: TRADE UNION RIGHTS

Right to form and join trade unions

80. Under the Labour Relations Act, the Labour Relations Board was given increased powers to deal with questions of unfair labour practices.

81. Section 10 of the Individual's Rights Protection Act prohibits a trade union or any employers' organization from excluding any person from membership in it, expelling or suspending any member of it or discriminating against any person or member because of the race, religious beliefs, colour, sex, physical characteristics, marital status, age, ancestry or place of origin of that person or member.

Right to strike

82. The Labour Relations Act amended the form of government intervention in collective bargaining disputes to enable government to assist with a mediator and/or a disputes inquiry board. Amendments to the Labour Relations Act in 1983 introduced the following changes:

1. Firefighters now come under the Labour Relations Act and have the benefits of the various provisions in the Act that they have not had previously.

2. To assure continuity of services, firefighters, the operators of hospitals and auxiliary hospitals, and all employees of those employers are bound by compulsory arbitration in the event of an impasse in collective bargaining under section 117 of the Labour Relations Act.

83. Since 1983, police labour relations have been governed by the Police Officers Collective Bargaining Act (1983, cP-12.05).

ARTICLE 9: RIGHT TO SOCIAL SECURITY

Social security

Maternity benefits

84. With reference to maternity benefits, the Employment Standards Act which governs the granting of maternity leave was amended in 1985 to clarify that pregnant women in employment are eligible for 18 weeks of unpaid leave, distributed as required by pregnancy and employment circumstances. The maternity leave provisions apply to all female employees.

Survivors' benefits

85. The Widow's Pension Act (Chapter W-7.5, assented to April 29, 1983) provides a pension benefit to widows and widowers between the ages of 55 and 64 who have limited income.

BRITISH COLUMBIA*

INTRODUCTION

86. This report contains information on developments which have occurred since the submission of British Columbia's first report on articles 6-9 in 1978. Copies of significantly revised legislation will be forwarded with the report.

ARTICLE 6: THE RIGHT TO WORK

A. Principal legislation

87. The first report provided information on the principal legislation and regulations affecting the right to work which are administered by the Ministry of Labour and other autonomous public boards and agencies. Significant legislative changes have included passage of the Employment Standards Act, S.B.C. 1980, c. 10, which consolidated a number of older statutes concerning minimum conditions of employment such as the Minimum Wage Act, Hours of Work Act, Payment of Wages Act and Maternity Protection Act. A number of amendments were made to the Labour Code of British Columbia, R.S.B.C. 1979, c. 212, regarding conditions of membership in trade unions. In 1984, the Human Rights Act, S.B.C. 1984, c. 22, was enacted to replace the previous Human Rights Code of British Columbia, R.S.B.C. 1979, c. 186. The Charter of Rights Amendments Act, S.B.C. 1985, c. 68, amended sections of a number of labour-related statutes to remove distinctions contrary to the section 15 equality provisions under the Canadian Charter of Rights and Freedoms.

B.(1) Access to employment

88. The new Human Rights Act provides protections similar to those contained in the former Human Rights Code outlined in the first report. Physical and mental disability have been added to the list of prohibited grounds for discrimination in access to employment opportunities or promotion under section 8, which also continues to forbid discrimination based on race, colour, ancestry, place of origin, political belief, sex (including sexual harassment) and conviction unrelated to a person's employment. Other existing protections in related areas such as employment advertising, equal pay, and the prohibition of discrimination against a person by a trade union, employer's organization or occupational association are maintained in the revised statute. The Human Rights Act no longer includes a "reasonable cause" test for employment discrimination.

89. The Human Rights Act is administered by a five-member B.C. Council of Human Rights which took jurisdiction in September 1984. During the Council's initial 15 months ending December 31, 1985, there were 256 or over four-fifths of 311 new complaints dealt with by the Council which related to issues of discrimination in employment under section 8. The legislation allows the Human Rights Council to order payment of compensation to a person discriminated against for wages or salary lost, or expenses incurred by the contravention, and in addition, it may order payment of up to $2,000 for injury to self-respect and dignity (section 17). Although most complaints are resolved prior to a formal hearing, a number of significant written decisions have been issued by the

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* Report prepared by the Government of British Columbia.

Council concerning complaints of employment discrimination, including racial discrimination, sexual harassment and physical disability; and financial awards have been made to complainants.

90. Because of the large proportion of complaints which are employment related, the Human Rights Council has undertaken a major educational campaign directed at large employers and employer organizations. This includes wide distribution of an Employer's Information Kit outlining the requirements of the Human Rights Act, and speaking engagements and personal meetings by Council members.

(2) Economic and social policies

91. British Columbia has experienced high unemployment since 1981, and its major resource industries are undergoing a period of restructuring due to reduced commodity prices and increased international competition. Continuing provincial budget deficits have compelled the government to curtail a number of non-essential programs in order to maintain basic income assistance, health care and other essential social programs. The province's current approach to achieving more steady economic and social development includes: taxation measures to provide greater incentives for new industrial investment in small- and medium-sized manufacturing firms; major fiscal injections from highway construction and other government-sponsored projects such as Northeast Coal, B.C. Place and EXPO 86; and reinvestment in the natural resource base in terms of reforcstation and silviculture.

(3) Labour market planning

92. Through the ministries of Labour and Education, the province regularly co-operates with federal authorities in manpower planning activities, both at the deputy minister's level and on a continuing basis at the officials' level, through the federal-provincial Labour Market Needs Committee, and in exchange of labour market information in connection with the Canadian Occupational Projection System (COPS).

93. A number of specific occupational and industrial surveys have been undertaken by the province, including periodic construction industry manpower forecasts, a two-part Manpower Study of the Mining Industry, and the three-phase Critical Trades Survey (1980-1983). The independent Provincial Apprenticeship Board (PAB) also sponsors periodic studies of occupational and training needs such as surveys on the Future of Apprenticeship and Task Force reports on Mandatory Trades Certification and Provincial Long-Term Training Needs.

(4) Technical and vocational training programs

94. Authority for provincial involvement in training and other labour market programs is contained in the Apprenticeship Act, R.S.B.C. 1979, c. 17, which replaced the former Apprenticeship and Training Development Act. The Apprenticeship and Employment Training Branch of the Ministry of Labour works with employers, employer associations, employee representatives and members of the labour force to respond to labour market demands through apprenticeship training, skill upgrading programs, vocational rehabilitation employment, and training and employment of women in non-traditional occupations. Close contacts are also maintained with vocational schools, trade advisory committees, colleges,

school boards and other government agencies in developing and monitoring programs.

95. Designated trades training and/or examination is provided in over 50 trades. The number of technical training apprentices formally registered with the Ministry of Labour has declined from a high of over 18,000 in 1982 to the current level of slightly over 10,000, mainly due to the impact of the recession. Efforts are being made to develop new forms of non-institutional training such as modular training packages, distance learning via television, and computer-assisted training to respond to changing labour market requirements.

96. Among the other activities carried out by the Branch are the oversight of more than 200 private trade schools in terms of approval of course content, teaching personnel and registration as required under Part 3 of the Apprenticeship Act. Services of assessment, counselling and training of the physically or mentally handicapped are co-ordinated through the Vocational Rehabilitation Services program. The Ministry of Labour also co-ordinates provincial involvement with federal immigration policies to assist with the integration of new Canadians into the provincial labour market.

(5) Termination of employment

97. Protection against arbitrary termination of employment was improved with the enactment of Part 5 of the Employment Standards Act in 1980. Section 42 of the Act requires an employer to give an individual employee advance notice of termination, or severance pay in lieu of notice, of two weeks where the employee has worked at least six consecutive months. One additional week's notice is required after three consecutive years of employment, and for each subsequent completed year of employment, another week's notice is added up to a maximum of eight week's notice. Advance notice for individual termination does not apply where an employee is discharged for just cause or is on temporary layoff not exceeding 13 weeks in a 20-week period (section 43).

98. Approximately 43% of the 1,098,000 paid workers in British Columbia are covered by collective agreements (1985). Protection against unfair termination is provided through section 93 of the Labour Code which requires each collective agreement to include a provision requiring just and reasonable cause for dismissal of an employee, and a formal mechanism such as arbitration for resolution of disputes.

99. Provisions of the previous Maternity Protection Act were incorporated under Part 7 of the consolidated Employment Standards Act in 1980. The basic period of unpaid pregnancy leave with protection of a woman's job security was extended from 16 to 18 weeks, with a further extension of six weeks permitted on medical grounds. The legislation was also strengthened to provide for continuity of the employee's seniority and participation in coverage under pension, medical and other fringe benefit plans during the leave period. Where a contravention occurs, the employer can be required to reinstate the employee and/or pay her compensation for any wages lost as a result.

(6) Protection against unemployment

100. A variety of direct and subsidized employment programs and related training arrangements are funded by the provincial ministries of Labour, Forests,

Human Resources, and Education, or operated in conjunction with federal training and job creation programs. Many of these programs are directed to disadvantaged labour force groups. These include: job preparation for income assistance recipients; placement and counselling assistance for disabled workers; training and employment of women in non-traditional areas of employment; and annual summer employment programs for students. Estimated total provincial expenditures on the employment/training area were approximately $160 million during the 1985-86 fiscal year.

C. Unemployment levels

101. The British Columbia labour force averaged 1,431,000 persons in 1985. Due to lower prices and continued weakness in international demand for some provincial resources commodities, unemployment which stood at 6.7% in 1981 has risen to 14.2% or 203,000 persons without work in 1985.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

102. Minimum wage levels for unorganized workers are established by regulation under section 105(2) of the Employment Standards Act. The minimum wage for persons aged 18 years or older was raised in two stages in 1980 from $3.00 to $3.64 per hour. The minimum rate for persons under age 18 is $3.00 per hour. There are specific minimum wage provisions applicable to live-in homemakers and domestics, and a schedule of 14 minimum piece-rates for farm workers who hand-harvest fruit, vegetable and berry crops (sections 3-5 of Regulations).

103. Levels of remuneration for persons who belong to trade unions are established through collective bargaining. Average annual negotiated wage increases for organized workers which were over 15% in 1981 have since declined, and were approximately 2% in both 1984 and 1985. The Compensation Stabilization Act, S.B.C. 1982, c. 32, came into effect in February 1982. It sets out voluntary guidelines and regulations on the range of compensation increases which can be bargained by public sector workers. Over 3,100 compensation plans have been approved under the program since its inception. Average provincial weekly earnings were $429.41 in 1984.

104. As previously noted, the Human Rights Act prohibits discrimination in rates of pay between men and women for similar or substantially similar work. It does not incorporate the concept of equal pay for work of equal value.

105. Mechanisms to ensure payment of employee wages contained in the previous Payment of Wages Act were incorporated under the consolidated Employment Standards Act (Part 2). The revised procedures enable an Industrial Relations Officer to issue an order requiring payment of wages, severance pay or other payments to which an employee is entitled under the Act. An employer who requests a review of the order by the Director of Employment Standards or his representative must furnish a forfeitable deposit of $100 or 10% of the amount owing. Further appeal of a confirmed certificate may be made to the courts. A number of court decisions have adversely affected the Ministry's ability to collect unpaid wages in situations where bankruptcy proceedings are initiated under the federal Bankruptcy Act.

B. Safe and healthy working conditions

106. The Workers' Compensation Board has the primary responsibility for regulating workplace safety in British Columbia through the Industrial Health and Safety Regulations under section 71 of the Workers' Compensation Act, R.S.B.C. 1979, c. 437. It also administers the Workplace Act, S.B.C. 1985, c. 3, whereby the functions of the former Occupational Environment Branch described in the first report were transferred to the Board in 1985. Jurisdiction over safety in mining operations is assigned to the Ministry of Energy, Mines and Petroleum Resources under the Mines Act, S.B.C. 1980, c. 28.

107. Mandatory coverage under the Workers' Compensation Act to provide financial compensation for work injuries was extended to include farm workers in 1983. Voluntary safety programs are being undertaken by various agricultural commodity groups, complemented by educational programs run by the Workers' Compensation Board.

108. From a high of 197,115 new injuries reported in 1981, the total volume of injury claims reported to the Workers' Compensation Board has declined to just over 150,000 annually for the 1982-1984 period. The Industrial Health and Safety Division issued 27,603 inspection reports and wrote 30,859 orders for correction of safety violations in 1984. The minimum penalty applied against firms for serious violations of safety regulations was increased to $1,500 in 1984. A recent amendment to section 73(1) of the Act also provides the Board with greater flexibility in imposing additional financial assessments on employers with poor safety records.

C. Equal opportunity for promotion

109. Section 19(2) of the Human Rights Act allows the Human Rights Council to approve a program of activity that has as its object the amelioration of conditions of disadvantaged individuals or groups. As noted above, section 8 of the Act enumerates the specific prohibited grounds of discrimination in employment or conditions of employment which includes access to promotion.

110. The Women's Program division of the Ministry of Labour has undertaken a survey of a sample of female provincial government employees to evaluate their aspirations and career options. A course specifically designed to assist career planning for women, Taking Charge of Your Career, has been delivered to over 2,000 women in the public service.

D. Rest, leisure, working hours and holidays with pay

111. These aspects are regulated under the Employment Standards Act (Parts 3, 4) and regulations. The previous statutory provision requiring two weeks' annual vacation for employees under the former Annual and General Holidays Act was amended in 1980 to provide a minimum of three weeks' vacation after five continuous years of employment. For employees who are covered by collective agreement, the vast majority are entitled to three weeks' vacation after three years or less of service, with many collective agreements providing for vacations of from four to seven weeks for longer service employees. There are nine statutory paid holidays, with 11 or more holidays specified in most collective agreements.

112. The Employment Standards Act requires payment of overtime at time and a half for hours worked in excess of eight in a day and 40 in a week, and double time after 11 hours in a day and 48 hours in a week. Section 31 of the Act permits a variation of overtime provisions by the Director of Employment Standards in certain circumstances. Slightly under one-half of non-office workers covered by collective agreement still work an eight-hour day, while over four-fifths of organized office employees work a seven or seven-and-a-half hour day. Employers in both the private and public sectors have introduced various new working time arrangements for their employees, such as flextime, compressed work weeks, and 12-hour shift schedules in some continuous operations such as mining, health services and police.

113. Section 2(2) of the Employment Standards Act provides that unionized workers are exempted from coverage of Part 3 (Hours of Work), Part 4 (Annual Vacation), Part 5 (Termination of Employment) and Part 7 (Maternity Leave) where their collective agreement contains provisions dealing with these matters. Disputes on these issues are to be resolved through grievance procedures contained in the collective agreement.

ARTICLE 8: TRADE UNION RIGHTS

Right to form and join trade unions

114. The certification procedures for trade unions under the Labour Code of British Columbia, R.S.B.C. 1979, c. 212, were amended in 1984. To apply for certification, 45% of the employees in the work unit must join a trade union. If this threshold of support is achieved, the Labour Relations Board will conduct a vote of all the employees in the bargaining unit. The Board will issue a certification order when a majority of those voting favour representation by the trade union (section 43).

115. The definition of an "employee" under the Labour Code remains unchanged since the first report, but has been altered under 1985 amendments to the Public Service Labour Relations Act, R.S.B.C. 1979, c. 346, to expand the schedule of job categories excluded from joining a trade union bargaining unit.

Right of trade unions to function freely

116. Trade unions rights to function freely under the Labour Code are conditional only on their maintaining fair and reasonable conditions of membership (section 5), that they do not use coercion and intimidation in dealing with employees (section 4), and that they fairly represent all employees within the bargaining unit (section 7). Section 8 of the Code was amended in 1984 to provide for reinstatement and financial compensation for lost wages or other costs to a worker as a result of loss of union membership or unfair labour practice by a trade union.

117. As a result of the difficult provincial economic climate, the Compensation Stabilization Act, S.B.C. 1982, c. 32, was enacted to limit the range of permitted wage and salary increases for all public sector workers. Collective bargaining has continued within the program's wage guidelines and on other non-monetary items.

118. In addition, the economic situation has made it necessary for the government to enact the Public Sector Restraint Act, S.B.C. 1983, c. 26, which establishes procedures for employers in the public sector to reduce the size of their workforce when there is insufficient work or current operating funds budgeted. Most employee groups have been exempted from this provision because a mutually agreed procedure for work force reduction has been negotiated into their collective agreement, and approved by the Compensation Stabilization Commissioner (sections 2, 3).

Right to strike

119. The definition of a strike under section 1 of the Labour Code was broadened during 1984 amendments to the Code to bring this definition in line with common practice in other Canadian jurisdictions. In addition, section 80 was amended to require that strike notice must always be given, even if the employer has given lock-out notice or commenced job action. Other than these two changes, the general rules governing the right to strike are as outlined in the first report.

120. To protect the rights of third parties, some limitations have been placed on the scope of picketing activity. Primary picketing is permitted but is restricted to places where members of the trade union are lawfully on strike. Allies of the employer can only be picketed with Labour Relations Board permission and some restrictions have been placed on picketing where more than one employer is present (section 85).

121. Because of the serious economic impact or public interest implications of major work stoppages, it has been necessary to restrict the right to strike in some particular instances through one-time legislation. Since the first report, legislation was used to end disputes in three cases: Pulp and Paper Collective Bargaining Assistance Act, S.B.C. 1984, c. 10; Metro Transit Collective Bargaining Assistance Act, S.B.C. 1984, c. 34; and B.C. Railway Dispute Settlement Act, S.B.C. 1985, c. 21. The circumstances which led to the enactment of these laws were explained in Canada's 1986 report to the International Labour Organization on the Freedom of Association and Protection of the Right to Organize Convention.

Special restrictions

122. Employees providing vital public services such as police, fire and health care workers have the right to strike, but provisions exist to encourage other methods of dispute resolution. Section 73 of the Labour Code which applies to both the private and public sectors allows the imposition of a 40-day cooling-off period where a dispute may pose an immediate and serious danger to life and health. The Labour Relations Board may also be requested to order the employer and trade union to continue to provide production and services considered necesshary for this purpose. Under section 8 of the Essential Services Disputes Act, R.S.B.C. 1979, c. 113, which applies to public sector employers, a 90-day cooling-off period may be imposed when there is an immediate and serious danger to the province's economy and welfare, or danger to life and health. Firefighters, police and health care unions have the option of electing binding arbitration of a contract dispute under section 6 of the Act.

ARTICLE 9: RIGHT TO SOCIAL SECURITY

1. Principal legislation

123. The principal provincial laws and regulations related to social security have not changed since the previous report, although changes have taken place in benefits available, premiums payable and overall coverage.

2. Major features of the legislation

124. (i) Hospital Insurance Act - Hospital Programs Division reimburses hospitals for the costs of acute, rehabilitative and extended care. Patients themselves pay a daily co-insurance charge of $8.50 for hospitals and $15.25 for extended care. The individual charge for extended care does not apply to patients under 19 years of age or to social assistance recipients.

125. (ii) Medical Services Act - The Medical Services Commission administers the Medical Services Plan which provides pre-paid medical services upon uniform terms and conditions for all residents of the province. Insured services under the Plan are paid for insured persons regardless of age, state of health or financial circumstances, provided the premiums fixed by the Commission are paid. As of April 1, 1985, the premiums were fixed at $17 for a single person, $32 for a family of two and $36 for a family of three or more. The premiums are subsidized at a 50% or 90% rate for persons with taxable income below a certain level, and for those who are temporarily unable to meet the premiums because of illness, unemployment or disability.

126. The Medical Services Plan provides insurance coverage for all medically required services rendered by medical practitioners, including osteopathic physicians and certain surgical procedures of dental surgeons where necessarily performed in a hospital as provided under the Medical Care Act (Canada). A contribution from the federal government is payable to the Province toward the cost of these insured services.

127. A number of other benefits are provided without additional premiums, with payment for services based on a tariff of fees approved by the Medical Services Commission. No payment is made for any of these services performed outside of British Columbia. These services are: Chiropractic, Naturopathic, Physiotherapy, Orthoptic Treatment, Podiatry, Optometry, Orthodontic, and Extended Role Nursing (costs may be reimbursed in areas of the province where a medical practitioner is not normally available).

128. (iii) Health Act - Public Health Programs provide a wide range of preventive, treatment, and environmental health services through some centralized facilities and a network of 16 local health units covering the non-metropolitan areas of the province, and five local health departments in urban areas of the province. The services include: community public health nursing services, home care programs, dental health services for children, nutrition services, continuing care for the elderly, speech and audiology, and environmental health services.

129. (iv) Guaranteed Available Income for Need Act - The GAIN Act provides medical and dental coverage for all income assistance recipients who are unemployable, handicapped, or a single parent with dependent children. The Act also provides for medical and dental coverage for children who are wards of the province. Medical and dental coverage is also provided in situations in which failure to provide this would result in imminent danger to a person's health.

130. (v) Workers' Compensation Act - This Act provides financial compensation for work-related accidents and disease in the form of temporary wage loss benefits, medical aid, and permanent disability pensions. Wage loss compensation is based on 75% of average earnings up to a ceiling which has recently been raised from $32,500 to $40,000. Disability pensions may be assessed on either a loss of function or loss of earnings basis (section 23). The Workers' Compensation Board also provides physical and vocational rehabilitation assistance for injured workers.

131. (vi) Invalidity Benefits - Under the Guaranteed Available Income for Need Act, Canadians or permanent residents who are handicapped are eligible for benefits. Rates have increased since the previous report as follows: single persons receive a base rate of $318 monthly for support and $75 to $213 for shelter. A person with two dependants receives $545 for support and $75 to $465 for shelter.

132. (vii) Old Age Benefits - Under the Guaranteed Available Income for Need Act, persons over 65 years of age who qualify for federal Old Age Security and a significant amount of Guaranteed Income Supplement benefits automatically receive a supplement. Single persons receive a maximum of $38.88 monthly and, if both spouses are eligible, they receive a maximum of $49.83 each. The amount of the grant is dependent upon the amount of the federal Guaranteed Income Supplement paid to the recipient.

133. Under the Shelter Aid for Elderly Renters Act, persons over 65 who receive Canadian Old Age Security benefits and who have lived in British Columbia for two years, or five consecutive years at any time in the past, are eligible for a rental supplement if they pay more than 30% of their income for rent. This rental supplement equals 75% of the difference between rent paid and 30% of monthly income.

134. (viii) Family Benefits - Through provisions of the Guaranteed Available Income for Need Act, Canadians or permanent residents may receive income assistance benefits based on need. The amount of benefits varies based on household size, employability of the recipient, age and length of time receiving income assistance. A single employable recipient under the age of 26 who has received assistance for less than eight months but more than one month is entitled to $150 for support and 0 to $200 for shelter per month. An unemployable family of four which has been in receipt of benefits for more than eight months is entitled to $450 for support and 0 to $455 for shelter.

135. Additional services include homemaker services, day-care subsidies, foster home payments for wards of the province, rehabilitation services to assist persons to gain employment, and a variety of services to mentally handicapped persons to assist their integration into community life.

MANITOBA*

136. This report provides information on new developments in Manitoba's legislation and policies since the report of 1980.

ARTICLE 6: THE RIGHT TO WORK

Principal laws

137. The Human Rights Act, Continuing Consolidation of the Statutes of Manitoba, (hereinafter referred to as C.C.S.M.), c. H175, has been amended to include "mental handicap" as a prohibited ground of discrimination in employment.

138. As is the case with the ground of "physical handicap", section 6(6) of The Human Rights Act permits discrimination in employment on the basis of mental handicap where the mental handicap is a reasonable disqualification for employment.

139. The ground of "family status" also may qualify as a reasonable occupational qualification and a requirement for a position of employment. This is not a new provision, but rather a correction to Manitoba's earlier report.

140. The Human Rights Act has been instrumental in curtailing mandatory retirement in Manitoba. In the 1981 case of McIntire v. University of Manitoba, (1981), Western Weekly Reports, page 696, the Manitoba Court of Appeal held that The Human Rights Act prohibition against discrimination in employment based on age prevails over mandatory retirement provisions in a collective agreement. The following year, the Court of Appeal, in Newport v. Manitoba (1982), 2 Western Weekly Reports, page 254, held that The Human Rights Act prohibition against age discrimination also prevails over the compulsory retirement provisions of The Civil Service Act, C.C.S.M., c. C110, and The Civil Service Superannuation Act, C.C.S.M., c. C120.

141. As a result of the latter decision, the mandatory retirement provisions have been repealed in both The Civil Service Act, Statutes of Manitoba (hereinafter referred to as S.M.) 1985, c. 47, s. 4(3), and The Civil Service Superannuation Act, S.M. 1984-85, c. 22, s. 60.

Policies to achieve full and productive employment

142. In 1983, the Province of Manitoba and the Manitoba Government Employees Association jointly agreed on the implementation of an Affirmative Action Program for the provincial civil service. The program is designed to redress existing discriminatory barriers and to enhance promotion and equality of treatment for women, Natives, the physically disabled and visible minorities.

143. Long-term employment objectives have been set for all of the groups targeted except for visible minorities, a group which was added as a target group in 1985. The objectives are to cover a 20-year period and include all job classifications. They are as follows: 50% employment of women; 10% employment of Natives; 7% employment of physically disabled persons.

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* Report prepared by the Government of Manitoba.

144. To implement the program, joint union/management Affirmative Action Committees have been established at both the central and departmental level. The committees are responsible for designing plans which include outreach recruitment, special training and management development programs to redress the effects of past practices and to accelerate equalized representation in the work force in keeping with the objectives outlined.

145. The Community Child Day Care Standards Act, C.C.S.M., c. C158, enacted in 1982, has strengthened the right of parents to work. The Act provides for the funding and establishment of day-care programs throughout the province of Manitoba.

146. In 1983, the Manitoba Government allocated $200 million for the Manitoba "Jobs Fund", a program designed to lessen the employment crisis through the immediate creation of jobs. In particular, funds were allocated for: wage-assistance programs to help employers create new jobs; major and minor construction projects; matching grants to encourage municipalities and community organizations to undertake specific labour-intensive projects immediately; loan programs to stimulate home construction and renovation, and energy conservation projects.

Statistical information

147. Manitoba has seen an increase in unemployment rates since 1980. The unadjusted average unemployment rate has increased to 7.7% in 1986 from 5.5% in 1980. The unemployment rate for Manitoba males has climbed from 5.1% in 1980 to 7.6% in 1986, whereas the same rate for Manitoba females stood at 7.7% in 1986 compared with 6.1% in 1980. The unemployment rate for females was lower than that of males in the years 1982 and 1983, and higher in the years 1984 and 1985.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

Principal laws

148. The Mechanics' Liens Act, C.C.S.M., c. M80, and The Threshers' Liens Act, C.C.S.M., c. T60, have been repealed and replaced by The Builders' Liens Act, C.C.S.M., c. B91. The Apprenticeship and Tradesmen's Qualifications Act, S.M. 1972, c. 45, has been renamed The Apprenticeship and Trades Qualifications Act, C.C.S.M., c. A110.

149. Amendments to The Employment Standards Act, C.C.S.M., c. E110, have strengthened the right to remuneration of individuals working as domestics. These workers were previously exempt from the provisions of the legislation. The minimum standards and conditions of employment have now been extended to those employed as domestics unless they are employed in a private household and work for 24 hours or less per week for the same employer.

150. Babysitters or companions to the aged, infirm or ill, to whom the legislation had previously applied, have recently been excluded.

151. The minimum wage provisions, now included in [1985] Regulations E110 - RIV, have been increased since Manitoba's last report. Employees under the age

of 18 years shall now receive a minimum wage of $3.85 per hour for work done during standard hours of work. Employees 18 years of age and older shall receive no less than $4.30 per hour for work done during standard hours of work.

Equal pay for work of equal value

152. An inaccuracy in Manitoba's 1980 report should be clarified. The Employment Standards Act does not recognize equal pay for work of equal value, but rather equal pay for equal work.

153. In 1985, the Manitoba government introduced pay equity legislation to take effect throughout the provincial civil service. Pay equity is equal pay for work of equal or comparable value. It will be evaluated in terms of the skill, effort and responsibility normally required in the performance of the work, and, the conditions under which the work is performed. Job evaluations were to be completed by July of 1986 and implementation is to take place by October 1987. Crown corporations will be required to act under the legislation one year later.

B. Safe and healthy working conditions

Principal laws

154. The Workplace Safety and Health Act, C.C.S.M., c. W210, has been extensively amended to make the legislation more effective in safeguarding safe and healthy working conditions for Manitobans. Amended provisions relate to: the prohibition of discrimination against workers exercising their rights under the Act; the right to refuse dangerous work; penalties for violations of the Act; the expansion of the requirement for mandatory safety and health committees and representatives to workplaces in the province of Manitoba.

155. The original Act provided for protection from discrimination, but only for discrimination that results from the exercising of specific rights or carrying out of specific duties granted under the Act. This prohibition from discrimination has been expanded to cover the situation where a worker is exercising any right or carrying out any duty in accordance with the provisions of The Workplace Safety and Health Act. This includes testifying in any matter, inquiry or proceeding under the Act and giving information to anyone including a safety and health officer or another worker regarding workplace conditions affecting the safety, health and welfare of that person or any other worker. The definition of "discriminatory action" has also been amended to clarify that temporary relocation of a worker to other equivalent work without loss of pay or benefits as a result of a right to refuse is not considered discriminatory.

Implementation procedures

156. In 1977, with the introduction of The Workplace Safety and Health Act, the right to refuse dangerous work was legislatively mandated. The new amendments both clarify the wording of the "right to refuse" provisions and strengthen the process for such refusal. There is now a specific eight-step procedure set out in the Act with respect to the right to refuse. The basic principle is that a worker may refuse to perform work where he or she has reasonable grounds to believe that the work is dangerous to his or her safety or health or the safety and health of any other worker.

157. The amendments also provide for increased penalties for breaches of the legislation. There has been an average threefold increase in the maximum amount of fine that may be levied on conviction for violation of the Act or its Regulations. For example, the maximum fine for a first offence has been increased from $5,000 to $15,000. For a second offence, the fine has been increased from $10,000 to $30,000.

158. Previously, the laying of a charge with respect to an offence under the Act or Regulations had to be undertaken within six months of the date of the alleged offence. This has now been changed to one year to allow for more time for detailed investigations into violations of the legislation.

159. At all workplaces (other than construction projects) where there are 20 or more workers regularly employed, there is a requirement for the establishment of a Safety and Health Committee. The only exception is for business offices and retail stores where it is determined that a Committee will not be required until the number of workers regularly employed exceeds 50.

160. On construction projects, where the total floor space exceeds 50,000 square feet, or 4,650 square metres, a Committee will be required to be formed for the duration of the project. This also applies to major building construction projects, including the construction of such facilities as oil refineries, chemical plants, steel plants and compressor stations.

161. At those workplaces where a Safety and Health Committee is not required, the designation of a worker as a safety and health representative will be required at all workplaces where there are 10 or more workers regularly employed.

162. On construction projects, each trade is required to have a safety and health representative on the job. The safety and health representatives are elected by the workers at the workplace or appointed by the union representing the workers. Safety and Health Committee members and representatives will be entitled to two full days of paid education leave for the purposes of attending approved safety and health educational programs.

C. Equal opportunities for promotion

Principal laws

163. The Human Rights Act has expanded the grounds upon which discrimination is prohibited. In addition to the 12 grounds included in Manitoba's 1980 report, an employer is now prohibited from refusing to advance or promote a person due to mental handicap.

D. Working hours, public holidays and periodic holidays with pay

Principal laws

164. The Employment Standards Act now includes provisions for paternity and adoptive leave. The paternity leave provisions state that every male employee who has become the natural father of a child and who has completed 12 consecutive months of employment with an employer is entitled to paternity leave of up to six weeks. The adoptive leave provisions state that every male or female who

has legally adopted a child and who has completed 11 consecutive months of employment with an employer is entitled to adoptive leave of up to 17 weeks.

165. The Vacations With Pay Act, C.C.S.M., c. V20, no longer excludes individuals working as domestics except those employed in a private household and who work 24 hours per week or less for the same employer. Recently excluded from the provisions of the Act are babysitters or companions to the aged, infirm or ill.

ARTICLE 8: TRADE UNION RIGHTS

166. The Labour Relations Act, C.C.S.M., c. L10, was amended in 1984. The following outlines some of the more substantive amendments.

167. Where a strike/lockout ends with a collective agreement, the existing obligation to reinstate the strikers in employment has been clarified to ensure that these workers can displace any replacement workers hired during the strike (s. 11(3)). It is an unfair labour practice for an employer to refuse reinstatement in such circumstances.

168. Where a strike/lockout ends with no collective agreement, employers are now obliged to reinstate employees in accordance with an agreement between the union and employer. Failing such an agreement, workers must be reinstated in accordance with their seniority standing when the strike/lockout began. (S. 11.1(1)).

169. The rights of employees to ratify or not to ratify a collective agreement are protected by The Labour Relations Act. A proposed collective agreement is not binding on employees in a bargaining unit unless a majority of the union members in the unit have voted to accept the agreement.

170. Regarding restrictions on the right to strike, subsection 81(1) provides that no union shall declare or authorize a strike and no employee shall participate in a strike unless the union conducts a strike vote and a majority of the employees in the unit who cast ballots vote in favour of a strike. Other restrictions relate to the timeliness of strike action. For example, where a bargaining agent and an employer have concluded a collective agreement, no union shall declare a strike and no employee shall strike while the collective agreement is in force.

171. The Labour Relations Act now provides for the imposition of a first collective agreement by the Labour Board. Where a union and employer have been unable to conclude a first collective agreement and certain other conditions are met, either party may apply to the Labour Board to settle the terms of a first collective agreement between the parties. In such a case, the Board is required to settle the provisions of a first collective agreement, unless the parties themselves conclude a collective agreement within a specific time after the Board is seized of the matter. Any first agreement imposed by the Board would be for a one-year term.

172. Finally, it should be noted that police officers in Manitoba generally have the protections offered by The Labour Relations Act except that police officers in the city of Winnipeg are prohibited from taking strike action by virtue of special provisions in The City of Winnipeg Act which provide for the settlement of disputes by compulsory arbitration.

ARTICLE 9: THE RIGHT TO SOCIAL SECURITY

Principal laws

173. The Community Child Day Care Standards Act now provides income-tested subsidies to families in need of day-care services.

174. The Blind Persons Allowances Act, C.C.S.M., c. B50, and The Disabled Persons Allowances Act, C.C.S.M., c. D80, have both been repealed. The allowances payable under those pieces of legislation are continued under The Social Services Administration Act, C.C.S.M., c. S165.

175. The Social Allowances Act, C.C.S.M., c. S160, has been amended and now extends eligibility for social allowances to sole-support fathers on the same conditions as eligibility is provided to sole-support mothers.

176. Manitoba's 1980 report makes reference to The Elderly and Infirm Persons Housing Act, C.C.S.M., c. E20. Mention should also be made of The Housing and Renewal Corporations Act, C.C.S.M., c. H160, which allows Manitoba Housing to offer a wide spectrum of housing assistance and housing-related programmes to foster the social security of Manitobans specifically in terms of assuring the availability of and accessibility to adequate and affordable shelter and appropriate living arrangements.

NEW BRUNSWICK*

INTRODUCTION

177. This report provides an update on New Brunswick's legislation, practices and policies in light of articles 6-9 of the International Covenant on Economic, Social and Cultural Rights.

ARTICLE 6: THE RIGHT TO WORK

A. Principal laws

178. Several statutes of the Province of New Brunswick support the principle of the right to work, and are designed to remove labour force restrictions which would inhibit that right.

B.(1) General information on programmes and legislation

179. The legislation in this area remains unchanged from the first report submitted under articles 6-9 of the Covenant.

180. The New Brunswick provincial government as an employer actively supports the principle of equal employment opportunity for all persons. An interdepartmental policy known as the Equal Employment Opportunity Programme has been put in place. The objective of this programme is to provide employment which is meaningful and which allows for advancement, and to ensure a more balanced representation of disabled persons and Native Indians in the provincial public service work force. A complementary programme for women, Employment Equity, is also in effect. The object of this programme is to eliminate barriers to women's advancement and to achieve a more equitable representation of women in all occupational categories at all levels of the civil service. Departments will establish annual goals and plans of action to achieve these objectives.

181. These programmes will: identify and remove any unnecessary employment or promotional barriers; recruit and promote qualified women, Natives and disabled persons; encourage career advancement through training and development programmes; audit, on an ongoing basis, acts, regulations, policies and practices to ensure that they do not have an adverse impact on women, Natives and disabled persons; and attempt to change behaviour which hinders the employment and promotional opportunities of women, Native, and disabled persons.

(2) Steps taken to ensure the right to work

182. In response to high unemployment conditions the provincial government, through the Department of Labour, has developed the Employment Stimulation Programme. Under this programme, $15.5 million has been allotted for the purpose of developing new areas of employment in the public and private sectors. The target for the fiscal year 1985-86 was approximately 10,000 new jobs.

183. The government also has in place an Immediate Response Programme which allows the province to be flexible enough to address unanticipated labour market disruptions.

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* Report prepared by the Government of New Brunswick.

(3) Organization of the employment market

184. As outlined in the first report, the Human Rights Act, R.S.N.B. 1973, c. H-11, controls hiring practices in New Brunswick. The Code specifically prohibits discrimination in hiring based on race, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status or sex.

(4) Technical and vocational guidance and training programmes

185. Five community colleges in New Brunswick provide post-secondary, job oriented programmes for high school graduates and/or out-of-school youth who may not have completed secondary school, in addition to educational and occupational training programmes for adults.

186. Under the Industrial Training and Certification Act, authority is given to the Minister concerning apprenticeship agreements with employers, the issuing of apprenticeship certificates of qualification and diplomas. Further authority is extended to the Minister over the regulation of course instruction, hours of classroom and on-the-job training, maximum hours of work, minimum pay and minimum age.

(5) Protection against arbitrary termination of employment

187. The Employment Standards Act, S.N.B. 1982, c. E-7.2, deals with notice of termination of employment. Any employer dismissing an employee for cause is required to do so in writing, setting out the reasons for dismissal. Employees who have worked a continuous period of six months to five years must be given written notice two weeks in advance. Four weeks notice shall be required for those who have worked five years or more.

C. Statistical and general information

188. The unemployment rate in the province of New Brunswick is high. The figures for the period November 1985 to November 1986 show the rate of unemployed to be 14.6%. This figure is primarily linked to geographic structural problems as well as the high dependency on external market conditions related to mining, fishing and lumbering. In view of this, initiatives are underway to diversify the material base.

189. The government has developed numerous programmes to encourage expansion in private industry, manufacturing and job-related initiatives. Emphasis has been placed on job creation and training programmes. Particular attention has been given to maintaining and developing a labour force skilled and ready to take jobs as they become available.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

190. Two systems of labour relations, the collective and individual bargaining relationship, exist in New Brunswick. Both systems are regulated by the various statutes that make up New Brunswick's labour law and to a lesser extent are governed by common law. There has been no change in this area since the last report.

191. The minimum wage in New Brunswick is $4.00. This is an increase of $1.20 since the last report.

192. The Province of New Brunswick has recently amended the Employment Standards Act to specifically provide for equal pay for equal work. Equal pay provisions are also held to be included in the general anti-discrimination provisions of the Human Rights Act. For more detail see New Brunswick's section of Canada's second report under the Convention on the Elimination of All Forms of Discrimination Against Women.

B. Safe and healthy working conditions

193. The Occupational Health and Safety Act, R.S.N.B. 1973, c. O-0.1 makes the employer and owner responsible for taking precautions to protect the health and safety standards of all employees and of anyone else who may be affected by the operation.

194. Figures released by the Occupational Health and Safety Commission show that the highest rate of occupational accidents occur in manufacturing and sales, the second highest in construction, and the third highest in forest products.

C. Equal opportunity for promotion

195. In response to provisions set out in the Human Rights Act and in compliance with the Civil Service Act, R.S.N.B. 1973, c. C-5, the provincial government actively supports the principle of equal employment opportunity for all persons. A policy has been adopted which states that where barriers have resulted in restricting employment and promotional opportunities for certain segments of the society, the necessity of a comprehensive programme to eliminate or redress such barriers would be recognized.

D. Rest, leisure, limitation of working hours and holidays with pay

196. The last report set out in detail the requirements for public holidays, hours of work, vacation, etc. There has been no change in this area of the law since that time.

ARTICLE 8: TRADE UNION RIGHTS

A. Principal legislation

197. New Brunswick's principal legislation concerning article 8 remains unchanged since our last submission to the U.N. in 1980. Thus it is necessary only to review and summarize the following.

B. Right to form and join unions

198. The Industrial Relations Act, R.S.N.B. 1973, c. I-4, represents New Brunswick's major legislation with respect to trade union rights. The legislation provides formal provisions protecting the right to join and form trade unions. Unfair labour practices are outlined and alleged violations may be brought before a Labour Relations Board.

199. The Public Service Labour Relations Act, R.S.N.B. 1973, c. P-25, applies to the public service and binds the Crown in right of the Province of New Brunswick. The Fisheries Bargaining Act, R.S.N.B. 1973, c. F-15.01, applies to inshore and midshore fishermen.

C. Right of trade unions to federate

200. This right is implicitly recognized by the Industrial Relations Act whereby its definition of a certified trade union or council of trade unions includes that of a provincial, national and international nature.

D. Right of trade unions to function freely

201. The Industrial Relations Act recognizes the freedom and right of trade unions to operate without interference from employers. The Act also limits union activities in regard to soliciting during working hours and prohibits the use of intimidation to compel an employee to participate in a trade union.

E. Right to strike

202. The Industrial Relations Act governs strikes and lockouts. Generally, when a collective agreement is in operation, no employee bound by the agreement shall strike and no employer bound by the agreement shall lock out employees. Similar provisions are found in other legislation.

F. Restrictions

203. The Industrial Relations Act places restrictions on firemen and policemen and their employer municipalities. No person employed full-time by a municipality as a member of a fire department or no police officer shall strike, and no municipality shall declare a lockout of any such employees, unless, in the case of police, adequate provision has been made for the protection of the public safety.

ARTICLE 9: RIGHT TO SOCIAL SECURITY

(1) General

204. Social Assistance is a programme of financial support for citizens of New Brunswick who lack the means to provide for their basic needs and the needs of their families and who have no other source of financial help. A fixed monthly allowance is given to individuals or families who meet the eligibility criteria for the programme for basic expenses related to food, clothing, shelter, routine transportation, fuel and utilities, and household and personal effects.

(2) Particulars

(a) Medical care

205. New Brunswick Health Care plan has been established in conjunction with the federal Medicare Act and is subject to the terms and regulations of the Medical Services Payment Act, R.S.N.B. 1973, c. M-7, and the Health Services Act, R.S.N.B. 1973, c. H-3. Health care services are available to all residents of New Brunswick regardless of age, state of health or financial status.

206. Those who take up new residency in New Brunswick are eligible for medical insurance on the first day of the third month. Provisions are made for immediate coverage for persons who have had no previous opportunity to acquire coverage in Canada.

(b) Cash sickness benefits

207. Sickness benefits are normally provided for in collective agreements or company policy for most workers. Concerning the Province's policy, civil servants may accumulate up to a maximum of 240 days at a rate of 1½ days per month for each full calendar month of continuous employment.

(c) Maternity benefits

208. Maternity benefits are provided through the unemployment insurance programme of the federal government. Non bargaining members of the civil service are covered by the Civil Service Act which provides additional benefits in conjunction with the federal programme.

(d) Invalidity benefits

209. Under the Social Welfare Act individuals who meet specific medical criteria for disability and financial criteria are entitled to a disability allowance. A provincial Medical Advisory Board reviews all applications for disability allowance.

(e) Old age benefits

210. Old age benefits are provided by the federal government. Generally most government employees have pension plans included in their collective agreement or pay into various private pension schemes.

(f) Survivors' benefits

211. The Workers' Compensation Act, R.S.N.B. 1973, c. W-13, which provides for survivors' benefits remains essentially unchanged. Payment is made for burial expenses and travelling cost entailed. Pension payments made to the survivors amount to up to 80% of the deceased's average net earnings. Allowances are also made for children and disabled dependants.

(g) Employment injury benefits

212. Employees in the province of New Brunswick are protected by the Workers' Compensation Act. This Act does not apply to persons who are employed on a casual basis or farm workers, domestic servants or members of the family of the employer who are under 16 years of age.

213. Rehabilitation is provided under the Act in the form of occupational therapy, retraining or upgrading. This is to aid in removing or lessening any handicap so that the worker may return to work or to assist in establishing an alternative lifestyle if necessary.

(h) Unemployment benefits

214. As in other provinces, the federal unemployment plan applies to New Brunswick.

(i) Family benefits

215. Family benefits are provided by both the federal government and the provincial government. At the provincial level various pieces of legislation in force are concerned with the welfare of the family unit.

216. Under the Social Welfare Act, families and individuals in need may be eligible for social assistance if their monthly income does not exceed limits established by the Department of Social Services.

217. The Department of Social Services is active in various programmes designed to assist children and families in time of stress, with every effort made to encourage the family to remain together and continue functioning on its own. Services include: family counselling, drug and alcohol counselling, rehabilitation services, employment-related services and programmes covered under the Child and Family Services and Family Relations Act, R.S.N.B. 1973, c. C-2.1.

218. The Marital Property Act, R.S.N.B. 1973, c. M-1.1, has made radical changes in the law concerning the ownership of marital property by the respective spouses. Prior to January 1981, the common law based ownership on the concept of separate property; thus a family was not regarded as an economic unit. The spouse whose money purchased land or goods was held to be the owner of that property. With the enactment of the Marital Property Act, recognition of child care, household management and financial provisions are now held to be equal to the share of the other spouse. The Court retains a discretion to divide any property as it holds just, if equal sharing would be inequitable.

NEWFOUNDLAND*

219. For purposes of clarification and to correct the first report, the correct designation of the province is the Province of Newfoundland. Under its jurisdiction and within its borders are two distinct land areas, the island of Newfoundland and the mainland region known as Labrador. The government is known as the Government of Newfoundland and Labrador.

220. This report will provide an up-to-date complement to the first report.

ARTICLE 6: THE RIGHT TO WORK

221. The Government of Newfoundland and Labrador places high priority on finding ways and means to ensure the effective utilization of human resources.

222. In pursuit of that goal, the Department of Labour and Manpower is constantly improving its employment and career counselling services with special emphasis being placed on the needs of the youth and female segments of our labour force.

223. Substantial progress has been made in devising and introducing effective manpower forecasting systems.

224. Apprenticeship and industrial training programs are in place where provincial initiative is supplemented by the co-operation of industry and labour to help provide a labour force capable of meeting the demands for the specialized skills which the workplace needs. Generally these programs provide for interprovincial application.

225. Newfoundland legislation relative to apprenticeship is to be found in The Apprenticeship Act, R.S.N. 1970, c. 12, as amended.

226. The Newfoundland Human Rights Code, R.S.N. 1970, c. 262, has been amended to prohibit discrimination in employment against a person who has a physical or mental disability unless it can be demonstrated that a bona fide occupational qualification limits his or her capability to perform a specific task.

227. The Department of Social Services, under the provisions of The Social Assistance Act, S.N. 1977, c. 102, The Day Care and Homemaker Services Act, S.N. 1975, c. 67, The Rehabilitation Act, S.N. 1978, c. 18, and The Disabled Persons Act, R.S.N. 1970, c. 97, has moved to increase the potentiality for work with reference to people receiving social assistance. As part of its Employment Opportunities Program, the Department of Social Services administers community development projects. The purpose is to create projects which show real promise for improving the social and economic conditions in a particular community. The projects are limited to social assistance recipients, mainly the able-bodied unemployed, single parents and disabled persons. Community development projects include resources development in fishing, forestry, tourism, home repairs, home support and single parents being employed as departmental support staff. Under an employer cost-shared provision, the Department of Social Services shares the cost of on-the-job placements with employers. For the fiscal year 1983-84, the

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* Report prepared by the Government of Newfoundland and Labrador.

expenditure was $11 million, employing approximately 5,000 former clients of the Department. Approximately $16 million were spent in the year 1984-85 on community development projects.

228. The Department also administers a Work Activity Centre in the capital city of St. John's. It provides a training ground for employment where social assistance recipients with special problems are helped to overcome their obstacles to obtaining and maintaining employment. Activities include work adjustment training in an open or sheltered environment, life skills training, basic educational upgrading, individual family counselling, and training in the use of leisure, physical fitness and social skills.

229. A Social Assistance Program provides incentives to take and hold employment/training. Illustrations of these incentives are (a) earnings exemptions, and (b) items of special assistance to cover actual cost of union initiation fees, purchase of tools necessary to carry on a trade, transportation, day care, special clothing, etc.

230. In addition to the items of assistance pertaining to day care in the Social Assistance Program, the Day Care Program of the department provides day care subsidies to families through the use of an income test. Some of these day care subsidies are used to facilitate the movement of the adult parent(s) into employment or employment preparation such as training.

231. Under the provisions of The Rehabilitation Act and The Disabled Persons Act, the Department of Social Services delivers rehabilitation services to the mentally and physically handicapped throughout the province.

232. The Vocational Rehabilitation of Disabled Persons Agreement is the instrument through which the Government of Canada assists the province in sharing the attendant costs.

233. The practical effect of the acts is that every disabled person is entitled to, and afforded a means of, being provided with rehabilitation services if he/she is ordinarily resident in the province and satisfies the eligibility requirement of the regulations.

234. The Department of Social Services is assisted by various voluntary agencies in the delivery of services designed to establish disabled persons in, or restore disabled persons to, a state of economic and social efficiency that is in keeping with their potential. Many of the voluntary agencies receive substantial financial assistance from the Government of Newfoundland and Labrador.

235. The Mental Retardation Division of the Department of Social Services administers directly, or funds, a range of vocational services for developmentally delayed individuals. This range of services includes: work-oriented rehabilitation centres; assessment of work and social skills; sheltered workshops; and vocational, pre-vocational and life skills training.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

236. The Government of Newfoundland and Labrador, in an effort to ensure acceptable conditions of work and favourable conditions in the work place, has passed or amended the following acts: The Labour Standards Act, S.N. 1977, c. 52; The

Occupational Health and Safety Act, S.N. 1978, c. 23; The Newfoundland Human Rights Code, R.S.N. 1970, c. 262.

237. The provisions of The Labour Standards Act regulate, under the direction of the Labour Standards Branch, the conditions relative to a worker's right to minimum wages, holidays, periods of rest, vacations with pay and hours of work.

238. The Occupational Health and Safety Act provides for the transfer of responsibility for safe and healthy working conditions from the Workers' Compensation Commission to a new division, within the Department of Labour and Manpower, known as the Occupational Health and Safety Division. The Act also provides for the introduction and implementation of several important principles which are generally in conformity with legislation in the provinces. The pertinent sections are:

Sections 18-23 which, apart from providing for the Occupational Health and Safety Division, also set out the duties of the Division with respect to the maintenance of reasonable standards for the protection of the health and safety of workers.

Sections 35 and 36 provide for the establishment of occupational health and safety committees by an employer at every workplace where 10 or more workers are employed to monitor the health, safety and welfare of workers. Section 36(2) requires that at least one-half of the members of a committee are to be persons representing the workers at the workplace who are not connected with the management of the workplace.

Section 43 provides for the right of the worker to refuse to work if the worker has reasonable grounds to believe the work is dangerous to his health or safety, or to the health and safety of any other person at the workplace.

Section 47 is directed towards preventing discriminatory action against a worker who has been involved in the implementation of various aspects of occupational health and safety, including refusing to work pursuant to section 43.

Section 49 provides a right of appeal for a worker who alleges discriminatory action against him by either his employer or his union from any of the reasons set out in section 47.

239. The proclamation of The Occupational Health and Safety Act is a significant benchmark in the pursuit of safe working conditions because it centralizes, under an Assistant Deputy Minister, important safety legislation for which varied governmental departments formerly had responsibility.

240. In addition to The Occupational Health and Safety Act and the regulations made under it, the following acts, which contain various provisions related to worker safety, are, together with regulations made under them, administered by the Occupational Health and Safety Division:

- The Radiation Health and Safety Act, S.N. 1977, c. 90;
- The Boiler, Pressure Vessel and Compressed Gas Act, S.N. 1981, c. 12;
- The Elevators Act, R.S.N. 1970, c. 107;
- The Regulation of Mines Act, R.S.N. 1970, c. 330;

- The Buildings Accessibility Act, S.N. 1981, c. 90; and
- The Amusement Rides Act, S.N. 1981 c. 13.

241. In keeping with its mandate to educate and inspect, the Division distributes safety literature and, to accentuate the scope of its inspection responsibilities, the following areas of inspection are set out: boiler and pressure vessels; elevating devices; amusement rides; buildings accessibility for disabled persons; high pressure welding; design approval; safety of workmen in mines; electrical inspection; radiation inspection; construction, logging and general workplaces; hygiene and medical services; health and safety education.

242. Provision is also made for the Division to have access to the occupational accident and disease reporting system of the Workers' Compensation Commission. The data thus provided allows for priorizing and planning preventative health and safety programs to assist in reducing workplace accidents and diseases.

ARTICLE 8: TRADE UNION RIGHTS

243. Matters relative to trade unions are regulated under the provisions of The Labour Relations Act, 1977, S.N. 1977, c. 64. This Act, and The Public Service (Collective Bargaining) Act, S.N. 1973, c. 123, which regulates collective bargaining in the public service, have been amended. The amendments were discussed in Canada's 1984 and 1986 reports to the International Labour Organization on the Freedom of Association and Protection of the Right to Organize Convention.

ARTICLE 9: RIGHT TO SOCIAL SECURITY

244. The Government of Newfoundland and Labrador issues a Directory of Public Service Programs. The directory contains a comprehensive listing of services available which can be identified by consulting the latest edition. A copy is supplied with this report.

245. The Department of Social Services has the responsibility for ensuring the welfare of persons who for various reasons are unable to support themselves. This responsibility is discharged under the provisions of The Social Assistance Act, S.N. 1977, c. 102. Families or individuals who receive help under this basic income support system are generally ineligible for assistance under other programs. However, if they have eligibility under other programs and the available assistance is insufficient for their needs, they can then receive additional help by satisfying a social assistance needs test. In 1984, there were approximately 22,000 families and single adults in receipt of social assistance which is cost-shared on a 50/50 basis through the federal government's Canada Assistance Plan. Social assistance covers the needs of food, personal care, clothing, fuel, utilities, household supplies and appliances, shelter and items of special need.

246. The Department of Social Services also administers a Special Child Welfare Allowance which is intended to assist families, including relatives, with the extra expenses of maintaining children with special needs in their own home and with their own family. For the purpose of this policy, such children will include the mentally retarded, physically disabled, and children with delinquency problems. The eligibility consideration includes a determination of the amount of special child welfare allowance required, based on the needs of the child, as well as an assessment of the financial capability of the parents to contribute towards the maintenance of the child.

NOVA SCOTIA*

INTRODUCTION

247. This report of the Province of Nova Scotia on articles 6-9 of the Covenant is further to the first report submitted by the Province in 1977-78. The report will, therefore, contain only information not already mentioned in the first report or information on new developments since that report.

248. The main statute pertaining to human rights in Nova Scotia is the Human Rights Act, S.N. 1969, c. 11, as amended. Prior to 1980, the prohibition of discrimination on the basis of physical handicap was limited to the area of employment. As a result of a 1980 amendment, the prohibition of discrimination on the basis of physical handicap has been extended to other areas as well, i.e., accommodation, services and facilities customarily provided to members of the public; occupancy, or any term or condition of occupancy, of any commercial unit or self-contained dwelling unit; and transfer of any property or interest in property. This provision does not apply where the Human Rights Commission determines that the nature and extent of the physical handicap reasonably precludes performance of a particular employment or activity; or where a denial, refusal, or other form of alleged discrimination is based upon a bona fide qualification.

249. In 1980, the Preamble to the Human Rights Act was also amended to recognize that physically handicapped persons are also free and equal in dignity and rights.

250. The Act provides protection for "any person who has made a complaint or given evidence or assisted in any way in respect of the initiation, inquiry or prosecution of a complaint" under the Act.

251. The Human Rights Act binds the Crown in right of Nova Scotia and every servant and agent of the Crown. In addition, the Office of the Ombudsman is entitled to investigate complaints or grievances of individuals against the two levels of government, i.e., provincial and municipal. The Ombudsman's authority does not apply to judicial decisions or decisions of the provincial Cabinet and its committees.

ARTICLE 6: THE RIGHT TO WORK

A. Principal laws and regulations

252. The principal laws and regulations governing the right to work are the Human Rights Act, the Labour Standards Code and Regulations, S.N.S. 1972, c. 10, as amended, and the Civil Service Act and Regulations, 1976, as amended.

B.(1) Right to gain a living by work freely chosen

253. Both the Human Rights Act and the Civil Service Act prohibit discrimination on the basis of race, religion, creed, colour, ethnic or national origin, sex, marital status, age or physical handicap. However, under section 22 of the

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* Report prepared by the Government of Nova Scotia.

Civil Service Act, no person is eligible to be appointed to the civil service unless he/she is a Canadian citizen or a permanent resident. This does not apply to any office the duties of which require special professional, technical, or administrative ability or training.

254. Under the Civil Service Act, where the qualifications of applicants are equal, preference shall be given to those who have served in the Armed Forces of the Crown in World War II or during the Korean conflict and who were honourably discharged or retired. There is similar preference given to applicants who reside or have resided in the province of Nova Scotia.

(2) Policies to achieve economic, social and cultural development

255. Under the Human Rights Act, the Nova Scotia Human Rights Commission may approve programs of government, private organizations or persons designed to promote the welfare of any class of individuals and any approved program shall be deemed not to be a violation of the prohibitions of the Act. These approved programs are popularly referred to as affirmative action programs. Affirmative action is a remedy designed to eliminate systemic discrimination against minorities, the disabled and women who have been excluded from participation in economic and educational opportunities in the past. The affirmative remedial action is a temporary means of overcoming this institutional pattern of discrimination.

(3) Organization of the employment market

256. The Nova Scotia Department of Labour publishes a monthly newsletter which contains data on the labour market which is helpful to do short-term and long-term manpower planning. This newsletter also provides information on occupations and trades, kinds of trades training available in the province, etc.

(4) Technical and vocational guidance and training programmes

257. The Halifax Board of Trade administers the Youth Project to help young persons between the ages of 19 and 24 acquire job skills. The training programme, which is of six months duration, is restricted to school drop-outs who have completed at least Grade 7 but who have not proceeded beyond Grade 9 and who did not have stable jobs. A training programme consists of academic upgrading leading to the writing of the Nova Scotia equivalency examinations followed by courses in human relations, clerical skills and the skills of getting and keeping a job. During the six-month period, they also undergo on-the-job training in the public or private sector. A comparable programme working under similar guidelines is administered through the Dartmouth Work Activity Society and is funded through the Nova Scotia Department of Social Services and the federal government.

258. The Women's Information Resource and Referral Service and the Supportive Action for Women both offer counselling and support for women who want to re-enter the work force or who want to upgrade their skills.

(5) Protection against arbitrary termination of employment

259. The Civil Service Act and the Regulations under the Act have both been amended and many of the provisions relating to layoff or termination which were

earlier found in the Regulations have now been incorporated into the Act. In addition, the Regulations now provide for eight weeks' notice if the employment of more than 10 employees appointed to term positions is to be terminated within any period of four weeks or less. If the number of employees so affected is 100 or more, the period of notice extends to 12 weeks and if the number of employees affected is 300 or more, then 16 weeks' notice should be given. A similar provision is also found in the Labour Standards Code.

(6) Protection against unemployment

260. In addition to living allowances during unemployment provided by the federal government through the Unemployment Insurance Commission, many of the collective agreements provide for termination allowances when an employee is involuntarily terminated. Section 90(9) of the Regulations under the Civil Service Act provides for termination allowance of an amount of one-half month's pay if the person has been employed for at least three years and one month's pay if the employment is for at least 10 years. An additional one month's pay is paid as termination allowance for every five years of service beyond 10 years subject to a maximum of five months pay for 30 or more years of service.

C. Data on employment and unemployment

261. In 1985, the population of Nova Scotia was approximately 880,700. The labour force was approximately 391,000 consisting of members of both sexes over the age of 15. The rate of unemployment was 13.8%.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

(1) Principal laws

262. The principal legislation affecting conditions of work is found in the Labour Standards Code. Employees of the provincial government are guided by the Civil Service Act and Regulations under the Act. Frequently, employees in the private sector obtain through the collective agreement more favourable conditions of work than the minimum prescribed under the Labour Standards Code.

(2) Wage-fixing methods and the degree of implementation

263. Section 46(1) of the Labour Standards Code provides for the establishment of the Minimum Wage Board which from time to time fixes a minimum wage for employees in different employments or in different classes or descriptions of an employment at the rate the Board considers advisable. Where an employer is alleged to be in contravention of the Minimum Wage Board order, an employee can lodge a complaint under the Labour Standards Code. An employee who is not satisfied with the result of the investigation by the Labour Standards Division can make a complaint to the Labour Standards Tribunal.

(3) Workers' remuneration other than regular wages

264. The Labour Standards Code deals with vacation pay, hours of labour and overtime pay. Under the Code, an employee who works for an employer for at least 90% of the regular working hours during a continuous 12-month period is

entitled to an unbroken paid vacation of at least two weeks. Where the period worked is less than 12 months, the employer is required to pay the employee an amount of at least 4% of the employee's wages during the period of employment.

265. The Minimum Wage Board is entitled to determine: (a) the number of hours a person employed in industrial undertakings is required to work; (b) the kinds of industrial undertakings to which this order applies; and (c) the categories of employees to whom the order applies. There is provision for variation of hours in certain cases by agreement between the employers and the employees, and there is also provision for excess hours in special cases where such work may be considered necessary due to an emergency.

(4) Data on the evolution of levels of remuneration and the cost of living

266. The minimum wage rate in Nova Scotia effective January 1, 1985 is $4.00 an hour.

267. The Canadian Consumer Price Index showed an increase to 122.9 from the base figure of 100 in 1981. Average weekly earnings in industries where 20 or more workers are employed (excluding those employed in agriculture, fishing, trapping, service industries and public administration) was $355.25 in 1984. This has risen from $214.72 at the end of 1977.

(5) Equal pay for work of equal value and equality of opportunity for women

268. It is the policy of the Government of Nova Scotia to promote equal employment opportunity for women (and visible minorities and the physically handicapped groups). It is a programme that reinforces the principle that everyone should have an equal chance to enter the civil service based on job-related qualifications and personal abilities. This is achieved through a series of positive efforts which reach beyond traditional employment practices, e.g., removal of job barriers such as inadequate publicity of vacant positions, inflated job requirements, biased interview questions, etc.

269. The Nova Scotia Human Rights Commission has entered into several affirmative action agreements with employers mainly in the private sector with the same intention of providing equal employment opportunity.

B. Safe and healthy working conditions

(1) Principal laws, etc.

270. Nova Scotia legislation regarding safe and healthy working conditions is found in the Industrial Safety Act, R.S.N.S. 1967, c. 141, and the Workers' Compensation Act, R.S.N.S. 1967, c. 343, as amended in 1979.

(2) Implementation procedures

271. In addition to the information contained in the first report, reference must be made to the existence of a Workers' Compensation Appeal Board in Nova Scotia. A person aggrieved by a decision of the Workers' Compensation Board may appeal to the Appeal Board on the grounds that: (a) the medical opinion upon which compensation was given or refused was erroneous or incomplete; or (b) a greater functional disability exists than that found by the Board; or (c) a continuance of compensation beyond the period allowed by the Board is required.

(3) Categories of workers not covered by health and safety measures

272. The Industrial Safety Act does not apply to: (a) a place or premises used for the raising of fowl or livestock, the cultivation of plants, trees, flowers, fruit or vegetables, or farming operation; (b) parts of or areas in or connected with an industrial establishment that are designed and used as playgrounds, recreation areas or public waiting rooms and in which no machinery is used or manufacturing process carried on.

273. The Industrial Safety Act does not also apply to some other sectors of activity; however, in these cases, provision is generally made in other statutes for the health and safety of the employees. Thus the Act does not apply to: (a) a mine and machinery to which the Coal Mines Regulation Act, the Mines Act or the Metalliferous Mines and Quarries Regulations Act apply; (b) elevators and lifts to which the Elevators and Lifts Act applies; or (c) boilers and pressure vessels to which the Steam Boiler and Pressure Vessel Act applies.

(4) Data on occupational accidents and diseases

274. Statistical data on claims submitted for occupational accidents and diseases are collected by the Workers' Compensation Board. During the course of a year, the Board receives approximately 34,000 claims. Of these, about 12,000 claims are for lost time accidents, each of these claims of maximum 3 days duration.

C. Equal opportunity for promotion

(1) Principal laws, etc.

275. The Human Rights Act guarantees every individual equal opportunity in employment regardless of race, religion, colour, creed, ethnic or national origin, sex, age, physical handicap or marital status.

(2) Implementation programmes and extent of employee participation

276. The affirmative action programmes mentioned earlier in this report are closely concerned with equal opportunity for vertical mobility. These programmes promote full equality between groups of people in their access to educational and training programmes.

D. Rest, leisure, limitation of working hours and holidays with pay

(1) Principal laws, etc.

277. The Labour Standards Code is the principal statute dealing with rest, leisure, limitation of working hours and holidays with pay for workers in Nova Scotia.

(2) Legal and practical breakdown by sector

278. Normal hours of work and overtime: the normal work week is 40 hours. However, under the Minimum Wage Order of the Department of Labour, the maximum work week is 48 hours within a period of seven days. Under the Minimum Wage Order, an employee required to work more than 48 hours per week shall be paid for these hours at a rate of not less than one-and-a-half the usual rate of pay.

279. Remuneration for public holidays: under the Labour Standards Code, where an employee is required to work on a public holiday, he or she is to receive compensation equal to two-and-a-half times his/her regular rate.

ARTICLE 8: TRADE UNION RIGHTS

A. Principal laws, etc.

280. The principal legislation dealing with trade union rights comprises the Trade Union Act, S.N.S. 1972, c. 19, as amended, and the Civil Service Collective Bargaining Act, S.N.S. 1978, c. 3, as amended.

B. Right to form and join trade unions

281. Every employee has the right to be a member of a trade union under the Trade Union Act. This Act does not apply to provincial government employees. The following persons are also deemed not to be employees under the Trade Union Act: (a) persons who exercise management functions or are employed in a confidential capacity; (b) members of the medical, dental, architectural, engineering or legal profession who are employed in such a capacity.

282. Provincial government employees are covered by the Civil Service Collective Bargaining Act which recognizes the right of government employees to be members of the Nova Scotia Government Employees Union. The Act excludes: (a) those employed in a managerial or confidential capacity; (b) those employed on a casual basis, temporary basis or summer employment basis; (c) those appointed by Governor-in-Council; and (d) those hired and employed outside the province. There is a similar provision in the Trade Union Act.

C. Right of trade unions to federate

283. There is no prohibition against the right of trade unions to federate and in practice trade unions enter into federations at the provincial, national and international level.

ARTICLE 9: RIGHT TO SOCIAL SECURITY

Features of the various branches of social security

Medical care

284. For the fiscal year 1983-84, the Government of Nova Scotia spent $135,345,000 for services of physicians, $30,610,000 for drugs for senior citizens, $12,786,000 for dental care for children, $1,933,000 for services of optometrists, $315,000 for drugs for patients suffering from diabetes, cystic fibrosis, etc., and $314,000 for prosthetics. The above figures do not include hospital services and community health services which are also paid for by the Government of Nova Scotia on a cost-sharing basis with the federal government.

Cash sickness benefits

285. Under the Civil Service Act, employees are entitled to a varying number of days of sick leave with pay according to length of service. Many of the collective agreements provide similarly for employees in the private sector. In

addition, several collective agreements provide for long-term disability benefits, varying according to the contract.

Old-age benefits

286. Senior citizens may be entitled to provincial financial aid. This aid may be in the form of: (a) a special social assistance annual lump sum payment; (b) an annual lump sum property tax rebate; or (c) a monthly rental subsidy.

287. The Nova Scotia Housing Commission offers senior citizens financial assistance by way of a $3,000 forgiveness loan to enable them to carry out repairs to their own homes.

Survivors' benefits

288. Survivors' benefits are paid to residents of Nova Scotia in general through private pension and insurance schemes. However, the Workers' Compensation Act, section 30, provides for payment of a spouse's special award of $1,000 (in addition to $750 for funeral expenses and $300 for transportation of body) to a spouse, with a pension of $536 a month, and a pension on behalf of each child under the age of 18 (or 21 if in school) of $140 a month, where it has been shown that the death of the worker was due to injury at the place of work. An orphan's pension is $140 a month; monthly pensions for other dependants vary from $171 to $231. Invalid widows and widowers also receive survivors' benefits. These rates became effective January 1, 1984. These benefits are increased periodically according to increases in the Consumer Price Index.

Employment injury benefits

289. Employment injury benefits are provided under the Workers' Compensation Act. Benefits are at a rate of 75% of earnings up to maximum earnings of $19,000 a year. Minimum weekly compensation is $112.50 and maximum is $274.04.

Unemployment benefits

290. There is provision for temporary financial assistance from the municipal government for persons not eligible under the federal government's Unemployment Insurance Programme.

Family benefits

291. As indicated in our first report, family benefits are paid under two assistance plans. During the fiscal year 1983-84, approximately 9,300 persons received short-term assistance every month. The amount expended by the Province for the same period was $25,605,816. Family benefits are also paid by the Province where the need is of a more prolonged nature, e.g., disabled individuals, single mothers, etc. Approximately 22,800 persons received these benefits every month during the last fiscal year. The amount spent for the same fiscal year was $96,920,675.

ONTARIO*

292. This report represents programs which have been initiated and legislation which has been enacted by the Government of Ontario between its first report and November 1985.

NON-DISCRIMINATION MEASURES TAKEN

293. In June 1982, a new Human Rights Code, S.O. 1981, c. 53, came into force. It prohibits discrimination in employment, vocational associations, services, goods, facilities, accommodation, contracts, signs and notices, and reprisal actions, because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age (18 and over in all areas but employment and 18-65 in employment), marital status, family status, handicap, record of offences (in employment only) and receipt of public assistance (in accommodation only). Also prohibited is harassment in employment because of any ground, as well as sexual solicitations or advances made by a person in authority.

294. Section 10 ensures that constructive discrimination as well as intentional discrimination is prohibited. That is, the Code also prohibits practices which have a discriminatory effect.

295. Section 13 provides for special programs to increase the employment of women and minorities, among other groups.

296. A person who believes that his or her rights under the Code have been infringed may file a complaint with the Ontario Human Rights Commission. Also, the Commission may initiate a complaint itself or at the request of any person.

297. Section 28 imposes, among other things, the following statutory functions on the Ontario Human Rights Commission:

(a) to forward the policy that the dignity and worth of every person be recognized and that equal rights and opportunities be provided without discrimination that is contrary to law;

(b) to promote an understanding and acceptance of and compliance with the Human Rights Code;

(c) to recommend for consideration special programs designed to relieve hardship or economic disadvantage, or to assist disadvantaged persons or groups to achieve equal opportunity;

(d) to develop and conduct programs of public information, education and research designed to eliminate discriminatory practices;

(e) to examine and review any statute or regulation, and any program or policy made by or under a statute, and make recommendations on any provision, program or policy that in its opinion is inconsistent with the intent of this Act;

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* Report prepared by the Government of Ontario.

(f) to inquire into incidents of and conditions leading to tension or conflict based upon identification by a prohibited ground of discrimination, and take appropriate action to eliminate the source of tension or conflict;

(g) to initiate investigations into problems based upon identification by a prohibited ground of discrimination that may arise in a community, and encourage and co-ordinate plans, programs and activities to reduce or prevent such problems;

(h) to promote, assist and encourage public, municipal or private agencies, organizations, groups or persons to engage in programs to alleviate tensions and conflicts based upon identification by a prohibited ground of discrimination.

ARTICLE 6: THE RIGHT TO WORK

298. The Human Rights Code provides, subject to certain limited exceptions, for freedom from discrimination with respect to employment, as explained above. One limitation is that age is presently defined in the Code as 18-65 and therefore the Code cannot protect the right of a person to work beyond the normal retirement age of 65.

299. In 1981, a minimum severance pay standard was introduced under the Employment Standards Act, R.S.O. 1980, c. 137, as amended by S.O. 1981, c. 22 and S.O. 1984, c. 31. It provides that where 50 or more employees are terminated within a period of six months due to a full or partial closure, those with five years or more service with their employer are entitled to receive one week's pay per year of service, up to a maximum of 26 weeks' pay. The objective of the severance pay legislation is to recognize the service rendered by long-service employees and their loss of job-related rights and benefits.

300. As of 1981, the Minister of Labour was given authority under the Employment Standards Act to require employers to participate in adjustment measures and manpower adjustment committees to facilitate the re-employment of workers whose employment is being terminated (section 40(5)). Employers may also be required to participate in the funding of committees.

301. Ontario legislation was reviewed and amended to ensure compliance with section 6 of the Canadian Charter of Rights and Freedoms which entitles every Canadian citizen and resident to work in any province. The Mobility Rights Statute Law Amendment Act, 1985 repealed provisions in various statutes which imposed residence in Ontario as a requirement for admission to particular professions.

Manpower planning

302. The Ministry of Skills Development, established in March 1985, has assumed the manpower planning function for the government. The primary vehicle for the collection of labour market data is the Community Industrial Training Committees (CITCs). These Committees operate in 65 communities throughout the province and are composed of representatives of local industry, provincial and federal governments and local community colleges. Surveys conducted by the CITCs on local labour market demands form the basis of the government's short- and long-term forecasting of skill requirements.

303. The Ontario Employee Assistance Program is intended to help those who lose their jobs because of plant closures or permanent layoffs. The one-week programs are offered through local community colleges and provide counselling to employees affected by closures, in order to improve their re-employment possibilities. Since the problems faced by terminated employees vary according to such factors as age, sex, skills, educational background, mobility and community economic viability, programs must be tailored to their specific needs. Alterations and changes in emphasis are decided in consultation with employees prior to the program, and long-term follow-up is arranged with colleges and community agencies.

Technical and vocational guidance and training programs

304. All students in Ontario schools, Grades 7-12, have access to the Student Guidance Information Service (SGIS) through their school guidance department at no charge. SGIS is an extensive computerized data base which provides accurate and current information on occupations and related training routes.

305. An instructional component is required as part of all school guidance programs. Career awareness, educational planning, work and employability skills are essential parts of this instructional program from Grades 7 to 12. In addition, subject teachers are expected to draw a relationship between in-school learning, occupations, continued training and future careers as a part of their course of study.

306. Ontario's colleges of applied arts and technology (CAATs) offer students the opportunity to develop the necessary skills to prepare for a career in business, the applied arts, technology, social services, and health sciences. They offer a variety of career-oriented programs for secondary school graduates and for mature students who have not completed secondary school.

307. While there are exceptions, most college programs fall into two categories - diploma programs, which last two or three years, and certificate programs, which last less than one year. A program consists of a number of courses, leading towards a diploma or certificate. Credit courses, leading towards a diploma, may be offered through continuing education on a part-time basis. Continuing education divisions also offer non-credit career-oriented courses and non-credit general interest courses.

308. There are 22 CAATs with more than 90 campuses throughout the province serving all major economic regions of Ontario. During 1984-85, the CAATs had an enrollment of more than 99,000 full-time post-secondary students in certificate and diploma programs, in addition to those attending college as part of their apprenticeship training. The number of part-time course registrations in 1982-83 was 600,000, and there were approximately 450,000 part-time students.

309. The Ontario Women's Directorate career consulting service works with community pre-employment and pre-trades programs which assist women in their attempts to gain employment in non-traditional occupations. At this point, several initatives are being explored which include hands-on experience, upgrading in mathematics, physical fitness activities and promotion of women among employers. An inter-governmental committee involving representatives from the federal and provincial governments and the community colleges is chaired by a Directorate staff member and is co-ordinating activities in this area.

310. The Directorate provides publications that encourage non-sexist career planning and describe relevant labour legislation. During the 1982-83 fiscal year, over 390,000 publications were distributed. They are available on request, free of charge, and can be used by both educators and students. The Women's Directorate provides speakers, and delivers a consulting service for guidance counsellors. The service is also available for community organizations that provide programs to facilitate women's access to training and employment. These programs may be part of the community college's Women's Studies Programs, the federal government's employment outreach program for women or be sponsored by independent voluntary agencies in the community. They provide a variety of services including career counselling, job search, personal development, and academic upgrading. In addition, a Directorate summer student program provides staff for some of these organizations to assist them in their activities.

Industrial training

311. The Ontario Ministry of Skills Development administers industrial training and retraining for men and women for employment in industry through several programs.

312. The goal of the apprenticeship training program is to provide a system of structural on-the-job training in approximately 625 skilled occupations in the construction, industrial, motive power, and service industries, to provide individuals with opportunities to acquire skills, and to meet the labour needs of employers. During the recent downswing in the economy, the apprenticeship program proved attractive as a training mode. The increase in apprenticeship registrations in 1984-85 is evidence of the acceptance of the program.

313. The Ontario modular training program provides an effective means of registering, training and accrediting workers at all levels. Its aim is to provide on-the-job training in incremental steps with accreditation at every interval and to provide Ontario with a skilled and mobile labour force. There are both province-wide and company specific programs.

314. The Training in Business and Industry program provides flexible, relevant training programs to help workers adapt to changing work requirements. Programs are offered in the workplace, at colleges of applied arts and technology, or in union halls. The program costs are shared by the Ontario government, the sponsoring employer and the trainee.

Employment patterns for women and youth

315. Available data indicate continuing discrepancies between male and female labour forces stemming from the fact that men and women are concentrated in different occupations and at different levels within occupations. In general, the nature of working women's labour force participation largely reflects their education/training qualifications. Secondary school course enrollments and students' career expectations, while slowly changing, continue to reflect segregated labour force patterns.

316. In 1982, 42.5% of the total labour force in Ontario was female. The unemployment rate was 9.8% for both sexes. The unemployment rate for female heads of families was higher than the overall female rate, whereas the rate for male heads of families was lower than the overall male rate. The unemployment

rates increased from the previous year for both men and women. The unemployment rate for males increased from 6% in 1981 to 9.7% in 1982 while the unemployment rate for females increased from 7.4% to 9.8%.

317. Both federal and provincial governments have responded with a variety of initiatives designed to: expand/improve women's employment options; promote affirmative action; require equitable treatment in employment between men and women.

318. The Ministry of Skills Development has implemented a range of programs to facilitate training of women, particularly in non-traditional, technical operations:

- the Technical Upgrading Program was established in 1984 to enable people, particularly women, to get the upgrading necessary to undertake further technical training or employment in a technical occupation. In 1985-86, 69% of the participants were female;

- the Women in Skilled Trades and Technology Program, implemented in 1984, funds innovative pilot projects undertaken by training agencies to assist women to undertake training that will lead them to stable and rewarding employment. In 1984-85, there were 19 projects affecting 3,000 trainees;

- preparatory programs designed to prepare individuals academically, socially and attitudinally for employment or further training are critical to improving female-training participation rates and labour force equality. The Ministry is undertaking a major review of preparatory programs to reduce duplication and ensure consistent objectives; and

- improved access to training by removing financial, situational or other barriers to training faced by women and other groups is a major objective. A comprehensive access policy is now being developed.

319. Youth unemployment since the 1960s has been high relative to adult unemployment. The average annual youth (15-24 years old) unemployment rate in 1985 was 13.2%.

320. The impact of the recession, which began in August 1981, on youth unemployment has been particularly severe. The employment of 15-24-year-olds has declined more than any other group in the labour force. In 1985, unemployment for 15-19-year-old males averaged 18.1%. In that same year, unemployment for 20-24-year-old males averaged 12.9%. In 1985, unemployment for 15-19-year-old females averaged 13.4%, and unemployment for 20-24-year-old females averaged 10.2%.

321. The youth unemployment rates are higher for those without post-secondary education. This group of young people has suffered a higher level of job loss than any other comparable segment of the labour force. Moreover, they will find it particularly difficult to find new employment. For the most part, they are without high-level skills and will be the last to be rehired by employers whose first priority is to recall workers with more experience.

322. In light of this analysis, Ontario has introduced programs that will provide work experience and employment opportunities for young people.

323. Under the Secondary School Co-operative Education Program, secondary school students spend 150-300 hours in a realistic work environment that is related to their in-school studies. This out-of-school experience carries one or two secondary school credits. Such experience provides opportunities for skill development, problem solving, career selection, and the acquisition of positive work habits. Student learning and achievement is planned and monitored by the teacher and the work supervisor. More than 20,000 students are now participating in co-operative education programs in such diverse areas as translation services (for students of French as a second language), land surveying (math students) and urban planning organizations (geography students).

324. The Ministry of Education has established a Co-operative Education and Transition-to-Employment Incentive Fund to accelerate the growth of co-operative education programs and to assist school leavers in their transition from school to work. A budget of $13 million has been allocated over a three-year period.

325. Under the FUTURES program, young people under age 25 who have been out of school with less than a Grade 12 education and out of work for at least 12 weeks or out of school with a Grade 12 education (or more) and out of work for 20 weeks qualify. The basic program provides paid work experience for up to four months. The extended program provides paid work experience for up to one year provided that the trainee puts in three hours of schooling, leading toward the equivalent of Grade 12, outside regular work hours. If a trainee leaves the program for a job that does not work out he can return to the program as long as the schooling has continued.

326. All employers participating in FUTURES are required to develop training plans. As well, hard-to-employ youth, the focus of the program, are provided with pre-employment counselling on job search and life skills to improve their chances of employment success.

327. Under the Ontario Youth Enterprise: Youth Venture Capital Program, certain young entrepreneurs are offered interest-free start-up loans of up to $5,000. Applicants must be between the ages of 25 and 29 and have graduated within one year from a post-secondary educational institution.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

328. In 1984, approximately 3.4 million of 3.8 million total paid workers were covered by the minimum wage provisions of the Employment Standards Act. The Act has been extended to cover domestic workers.

329. As of October 1984, the minimum wage has been raised from $3.85 to $4.00 per hour. A lower minimum wage rate of $3.50 per hour applies to persons employed to serve liquor directly to the customer in licenced premises because their income is supplemented by tips. The minimum rate for students under 18 years of age who work not more than 28 hours per week during the school term, or work more or less than 28 hours per week during school holidays is $3.15. Domestic workers are to be paid at least the general hourly rate, or a daily, weekly or monthly minimum based on this hourly rate.

330. The provisions which previously allowed the Director of Employment Standards to authorize the employment of handicapped persons to work for less than the minimum wage, with the consent of the handicapped worker, his or her parent or guardian, have been repealed, so that the general minimum wage requirements apply.

331. Ontario has had equal pay legislation since 1951. Current provisions under the Employment Standards Act require that female employees receive the same rate of pay as male employees for substantially the same work, performed under the same working conditions. In order to ensure that this law was being fully utilized, the Ministry of Labour undertook an equal pay media campaign in 1980 which was designed to increase women's awareness of their rights. This campaign was accompanied by the establishment of a special equal pay team within the Employment Standards Branch. Officers assigned to this team have the authority to investigate and settle complaints, and to undertake on their own initiative, equal pay audits of establishments. To date, these stepped-up enforcement efforts have resulted in awards totalling over $2 million to more than 1,850 employees.

332. The government has indicated its commitment to implementing equal pay for work of equal value in both the public and private sectors. The Minister of Labour is responsible for the development of legislation for pay equity in the Ontario Public Service. As part of this process, there has been an ongoing consultation with the public service unions. The Attorney General and Minister Responsible for Women's Issues is responsible for the implementation of pay equity in the private sector and broader public sector. The first step in this process was the development and distribution of a Green Paper which presents options for implementation and which is to provide the basis for consultation with the public.*

333. Six fundamental premises will form the basis of the pay equity policy:

(i) the purpose of the legislation is to address gender discrimination only;

(ii) the comparisons are to address the valuation of "women's work" only;

(iii) "equal value" does not mean "identical value";

(iv) comparisons must be made within an establishment;

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* The Ontario Government has introduced Bill 105 - the Public Service Pay Equity Act, 1986 and Bill 154 - the Pay Equity Act, 1986 to implement pay equity in the Ontario Public Service, broader public sector and private sector. The purpose of this legislation is to redress gender discrimination in the compensation of employees employed in jobs traditionally held by women. The goal is accomplished through the development and implementation of a pay equity plan in the work places which will identify those jobs held by women which have been undervalued and provide for wage adjustments to be made. As of February 1987, both bills have received second reading and have been referred to a standing committee of the legislature for further consideration.

(v) the legislation will not be retroactive; and

(vi) the legislation will not permit a reduction in wages to satisfy its requirements.

B. Safe and healthy working conditions

1. Principal legislation

334. Under the Occupational Health and Safety Act, R.S.O. 1980, c. 321, specific regulations for nine designated substances have been issued. These are: asbestos, coke oven emissions, lead, mercury, vinyl chloride, isocyanates, silica, benzene and acrylonitrile. Notice of intent to designate 11 other substances have been issued. These are: noise, arsenic, formaldehyde, cadmium, chromium, ethylene oxide, styrene, PCBs, welding fumes and gases, nickel and coal tar products.

335. A new Workers' Compensation Act was passed in December 1984, which substantially revises the system of workers' compensation. Highlights are as follows:

336. In the benefits area, the major changes are:

- an increase in the covered earnings ceiling of pre-accident earnings to $31,500 from $26,000;

- improved rehabilitation supplement provisions for partially disabled workers through inflation adjustment of pre-accident earnings in the calculation of those benefits. In addition, the receipt of the Canada Pension Plan disability pension is no longer considered a barrier to the payment of rehabilitation supplements, but will be taken into account in determining the amount of supplements. Supplements are designed to bring the incomes of disabled workers up to total disability pension levels while the workers are in rehabilitation programs;

- those older injured workers who are unlikely to benefit from vocational rehabilitation will be eligible for rehabilitation supplements equal to the level of the Old Age Security Pensions;

- benefits will be based on 90% of the injured worker's pre-accident net earnings rather than the present 75% of gross earnings. A worker with three dependants, for example, formerly received the same benefit as a single worker with the same gross income and the same injury. Under the new Act, the worker with dependents receives greater compensation, reflecting his or her higher pre-accident take-home pay; and

- a new and enhanced formula for determining entitlement of surviving spouses and dependents was established. Survivors' awards comprise both a lump sum and a continuing benefit, fixed as a proportion of the deceased's pre-accident net earnings. The level of the lump-sum award is to be age-related as is the continuing payment for the sole surviving spouse. Where dependent children are involved, the continuing payment is to be fixed at 90% of pre-accident net earnings, the same level as would be paid to a totally disabled injured worker.

337. In the administrative and procedural areas, major changes are:

- an expanded Workers' Compensation Board (WCB) corporate board, with a majority of external, part-time directors to ensure the participation of interested parties in the establishement of WCB policies and procedures;

- the establishment of an independent, tripartite appeals tribunal with provision for independent medical assessors to assist the tribunal in its deliberations (under the former law the appeals process was internal to WCB);

- the establishment of an Industrial Disease Standards Panel to provide expert advice on the criteria for compensating workers who contract industrial diseases. (Formerly, the WCB set the criteria.) The panel involves a wide range of interested parties in the formulation of the criteria; and

- an expansion of workers' advisers, who provide advice and assistance to workers regarding appeals of WCB decisions, and the creation of a new employers' advisers office. Both offices are independent of the WCB.

2. Frequency of occupational accidents and diseases

338. In 1984, there were 172,002 lost-time injury/disease claims in respect of which the Workers' Compensation Board of Ontario made compensation payments. A lost-time injury is one that disables the employee beyond the day of accident from earning full wages at the work at which he was employed.

C. Equal opportunity for promotion

1. Principal legislation

339. The Human Rights Code, 1981 prohibits discrimination with respect to employment (which includes promotion) and vocational associations, because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age (18-65 in employment), marital status, family status, handicap and record of offences (in employment only). Also prohibited is harassment in employment because of any of the prohibited grounds, as well as sexual solicitations or advances made by a person in authority.

340. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries relating to any of the prohibited grounds. Self-governing professions are prohibited from restricting membership on any of the prohibited grounds.

2. Procedures

Affirmative Action: Public Education

341. The Women's Bureau was established in the Ontario Ministry of Labour in 1963, and is now part of the Ontario Women's Directorate. Since 1983, programs have been developed to help staff respond to the needs of women in the labour force. A major focus is the elimination of stereotypes of women in the labour force through public education.

Affirmative Action: The Ontario Public Service

342. The Ontario Government established an Affirmative Action Program for its employees in April 1974. The objective is to raise the level and diversity of the occupational distribution of the female employees of the Ontario government.

343. The program implementation is facilitated and monitored by the Ontario Women's Directorate. The Directorate develops, stimulates and evaluates government-wide policies and practices to achieve equal opportunity. The program is implemented through a decentralized structure whereby Deputy Ministers and agency heads maintain program responsibility, and activities in individual ministries are co-ordinated by Affirmative Action Program Managers.

344. The Directorate provides an annual report to the provincial legislature, through the Minister Responsible for Women's Issues, on the status of women Crown employees, and semi-annual internal reports to Cabinet. The program operates under a directive approved by Management Board of Cabinet. The main components are:

- numerical hire/promotion planning targets (calculated according to availability of qualified women and projected vacancies);
- numerical accelerated career development initiatives (to qualify women for job competitions where there are few women currently);
- an incentive fund to augment staff development budgets; and
- management accountability (amalgamation of affirmative action components with management processes and appraisal system).

345. These components address changing women's occupational distribution (and status) which has been cited as a major contributing factor to the wage gap between men and women. In 1983-84, women Crown employees' average salary was 76.8% of men's for a 1% decrease in the wage gap since 1982-83. Another wage gap decrease occurred in 1984-85. As well, gains were made by women in 9 of 10 major classification groupings where women have traditionally been underrepresented. This included the executive group where women have increased their numbers and percentage representation (to 9.5%).

346. Working conditions and benefits that significantly affect women's working conditions are also improving. As a result of contributions by the employer in addition to maternity benefits under the Unemployment Insurance Act (Canada), government employees receive 93% of their salary during the 17 weeks of maternity leave and are entitled to a further six months extended leave without pay, if desired. As well, pregnant women who work on video display terminal equipment have the right to transfer to another job during pregnancy.

347. When male and female employees perform the same work, their job classifications, and resulting pay, are equal.

D. Rest, leisure, limitation of working hours, and holidays with pay

Principal legislation

348. Under the Employment Standards Act, the maximum hours of work of any employee are eight per day and forty-eight per week. The Act requires that, except in specific emergency situations, employers must receive permission of the Employment Standards Branch, Ontario Ministry of Labour, before scheduling hours of work beyond the established limits. At the same time, the law gives employees the right to refuse work beyond the eight and forty-eight hour maxima even where employers are granted permits to schedule extra hours. The legislation also requires every employer to provide eating periods of at least one-half hour at such intervals as will result in no employee working longer than five consecutive hours without an eating period (sections 17-22).

349. Effective March 1, 1984, live-in domestic workers and nannies are entitled to one free period of 36 consecutive hours and another of 12 consecutive hours in each week without any deduction from the regular wages. Live-out domestic workers are entitled to receive a premium rate of pay for each hour worked in excess of 44 per week.

350. Effective June 23, 1982, live-in residential care workers, who are employed to supervise and care for children and developmentally handicapped persons in a family-type residential dwelling, are entitled to a weekly rest of at least 36 hours either consecutively or as may be arranged with the consent of the worker (O.R. 440/82).

ARTICLE 8: TRADE UNION RIGHTS

351. Under the Human Rights Code, S.O. 1981, c. 53, trade unions are prohibited from making decisions about membership or discriminating in any way based on race, creed, colour, age, sex, marital status, ancestry, place of origin, ethnic origin, citizenship, family status, or handicap (section 5). However, a right to non-discrimination because of citizenship is not infringed where Canadian citizenship or lawful admission to Canada for permanent residence is a requirement, qualification or consideration adopted for the purpose of fostering and developing participation in trade union activities by Canadian citizens or persons lawfully admitted to Canada for permanent residence.

352. The government has introduced a Bill (Labour Relations Amendment Act, 1985) which provides for settlement by arbitration of first contract disputes. Either party may apply to the Ontario Labour Relations Board for an order directing the settlement of a first contract dispute by arbitration, where collective bargaining appears to have been frustrated by unreasonable stances or actual misconduct on the part of one of the parties.

ARTICLE 9: RIGHT TO SOCIAL SECURITY

A right to health care

New programs in the Ministry of Health

353. Selected prescribed drugs are provided at no charge to those over age 65, and those on social assistance under the Ontario Drug Benefit Plan, administered

under the authority of the Ministry of Health Act, R.S.O. 1980, c. 280 and the Family Benefits Act, R.S.O. 1980, c. 151. Eligible persons are age 65 and over who have been resident in Ontario for the past 12 months. All persons receiving Family Benefits Assistance, General Welfare Assistance, Extended Health Care Benefits, Home Care Benefits and residents of Homes for Special Care are also eligible persons.

354. Ontario's Assistive Devices Program is intended to assist young people and their families with the significant cost of selected medically necessary devices designed to replace an absent or augment a weakened physical function, prevent deterioration, minimize pain, and support, activate or protect parts of the body.

355. Any young person, who is aged 21 years or younger and who is a resident of Ontario, is eligible. The program will now pay 75% of the cost of any equipment eligible under the program. Eligible equipment includes hearing aids, visual and communications aids, wheelchairs, orthotic devices, prosthetic devices, incontinence and ostomy supplies and respiratory devices.

356. The Assistive Devices Program exists under the authority of the Ministry of Health Act, R.S.O. 1980, c. 280. The program began in 1982 serving up to age 18 with certain devices. It expanded in 1983 to include all current devices and in 1986 to include up to 21-year-olds.

357. The Northern Health Travel Grant helps Northern residents of the province pay for travel to receive medically necessary care which is unavailable in their local areas. The program provides grants to help reimburse the transportation costs of residents who must travel more than 300 kilometres (one way) to visit a medical specialist or receive medical specialist services at a hospital in Ontario or Manitoba. The amount of the grant is based on the distance travelled to the closest appropriate medical specialist, as determined by the referring physician.

A right to invalidity benefits

358. The Guaranteed Annual Income System for the Disabled or GAINS(D) provides an income-tested benefit to needy disabled persons under the Family Benefits Act, R.S.O. 1980, c. 151.

359. There are approximately 77,877 cases (and 101,409 beneficiaries in total) who receive GAINS(D). GAINS(D) is paid to people who have major and prolonged physical impairments which severely limit normal daily activity. As an income-tested benefit, the assets and resources of the recipient are taken into account so that a guaranteed minimum income is provided. In the case of recipients boarding in non-profit situations, the benefit for a single person is $398 per month. For a couple where the one spouse is disabled, the guarantee is $633 per month and where both spouses are disabled, the amount is $764 per month. In the case of recipients renting profit accommodation, the benefit for a single person is $436 per month. For a couple where the one spouse is disabled, the guarantee is $694 per month and where both spouses are disabled, the amount is $872 per month. Where there are other dependants, higher amounts are paid.

A right to old-age benefits

360. The Guaranteed Annual Income System for the Aged (GAINS-A) provides an income-tested benefit to senior citizens, residents of the province, of age 65 and over as a supplement to federal Old Age Security and the Guaranteed Income Supplement. It is paid under the Ontario Guaranteed Annual Income Act, R.S.O. 1980, c. 336.

361. Seniors who receive the Old Age Security qualify if their income remains under the Province's guaranteed income level. Benefits are based on the previous calendar year's income. Assets are not considered.

362. The GAINS-A supplement, and guaranteed levels per month as of November 1985 are as follows:

	Single Person	Couple
Supplement	$ 83.00 (maximum)	$ 166.00 (maximum)
Guaranteed	$707.15 (maximum)	$1,177.90 (maximum)

PRINCE EDWARD ISLAND

ARTICLE 6: THE RIGHT TO WORK

Right to gain a living by work freely chosen

363. The Human Rights Act, S.P.E.I. 1975, c. 72, provides protection against discrimination in employment on the basis of race, religion, creed, colour, sex, marital status, ethnic or national origin, political belief, age and physical or mental handicap.

364. The Labour Act, R.S.P.E.I. 1974, c. L-1, governs employer/employee relationships and industrial standards in the work place. By maintaining uniform provincial standards, the Act facilitates the exercise of the right to freely choose employment and provides safeguards against discrimination.

365. Employment in the civil service is governed by the revised Civil Service Act, S.P.E.I. 1983, c. 4, sections 16-30 (Appointments) and sections 31-44 (Terms of Services). Under the new Act, the "merit principle" is the prevalent criteria for appointments and promotions to positions in the classified division of the civil service. "Seniority" remains a factor, but it is limited to cases where two or more employees are rated equally in an in-service competition; the employee with the greater length of continuous service shall then be given preference of ranking (subsection 24(3)). Subsection 25(2) of the previous Act, which permitted the Civil Service Commission to reject applicants for numerous reasons, including being physically unfit, being addicted to drugs or liquor, delinquency, or not being worthy of employment in the civil service, was abrogated. Section 24(1) of the new Act provides that, before appointing a person to a position, the Commission must satisfy itself that the person is fit to perform the duties and to undertake the responsibilities of the position.

Policies to achieve economic, social and cultural development and full and productive employment

366. Numerous policy and structural developments have occurred in Prince Edward Island during the period under review with regard to economic and social development and employment creation.

367. In 1982, the Government established three Cabinet Committees with respect to: employment development, economic development, and social development. The purpose of these committees is to co-ordinate efforts in each of the policy areas. The Committee on Employment Development has since been disbanded and its functions have been assumed by the Committee on Economic Development.

368. In mid-April 1984, the Government announced a new development strategy for the province by tabling in the Legislative Assembly a policy paper entitled Blending tradition and innovation which described its economic development plans for the future.

369. In June 1984, following the adoption of the Prince Edward Island Development Agency Act, S.P.E.I. 1984, c. 18, the Prince Edward Island Development Agency was created. The Agency is a Crown corporation whose mandate is to stimulate economic development and the creation of long-term employment, through the promotion of, and support to, new and expanded business and industrial activities consistent with the government's economic development strategy.

370. In November 1983, the Government created a new Department of Industry which combines activities in three main areas: community economic development, human resource development, and industrial development.

371. Through its Community Economic Development Division, the Department encourages Island communities to realize their economic potential and thereby enhance Island community life. The focus of the Community Economic Development Division is to assist the individual entrepreneur, businesses and economic organizations in their development efforts which will assist in the overall improvement in local communities. The Division hosts numerous government services in five service centres across the province, has an active extension service in the community and plays a strong role as a development catalyst, assisting individuals and groups to realize their business potential. The business information resource areas located in each centre enable clients to obtain information on regional statistics, current government business program applications and bulletins, listings of current business services available in each community, and local information on taxes, bylaws and business start-up requirements. Resource staff help employers plan a new enterprise or expansion, and they assist clients in market studies and in finding access to grants or loans. The Division also encourages economic organizations to meet the needs of the local community through economic planning and community development projects.

372. The Employment Development Branch of the Department develops, implements and administers programs and services designed to enhance the employment opportunities currently available to Islanders. The Provincial Youth Development Program creates additional positions of employment for students within various government departments and agencies. Agri-Crews is an incentive program offered to the private sector, namely family farms, where students, on a short term basis, carry out assigned work activities on the farm with part of their wages being subsidized by government. The Student Venture Capital Program gives students access to funds necessary to operate a small summer business. Small interest-free loans, generated by the provincial government, are available to eligible students who wish to create their own jobs.

373. In 1982, following a dramatic increase in the number of applicants for welfare assistance resulting from the economic climate, the Department of Health and Social Services created two programs designed to help its clients find employment. The Employment Preparation Program, directed especially towards those currently unemployed and dependent on the welfare system, aims at increasing the client's potential to compete for employment and the client's use of existing resources. The Job Creation Program is a short-term employment project designed to assist welfare recipients to retain or regain marketable work skills. Most of the newly created jobs are with non-governmental organizations and are, therefore, an assistance to the community as well as to the employees. Additional measures were taken to support and encourage clients in obtaining employment. For example, wage exemptions for welfare recipients were increased as well as allowances for expenses incidental to commencing employment.

374. Mention was made in the previous report of the 15-year Comprehensive Development Plan with the federal government. The Plan was concluded in March, 1984. In June 1984, Prince Edward Island entered into an Economic and Regional Development Agreement (ERDA) with the federal government. The Agreement provides umbrella authority for federal departments to enter into specific agreements with the province for development programs for periods up to five years. Specific agreements have been signed with departments to assist, for example,

fisheries, tourism development and for improvement of productivity in agriculture. Other agreements are being negotiated.

375. In the Spring 1985, the Government tabled in the legislature a paper outlining Prince Edward Island Social Policy for the Future. The paper discusses the philosophy, principles and direction for social development in the province.

Organization of the employment market

376. The Research and Analytical Services Section of the Prince Edward Island Department of Industry is responsible for labour market analysis, research and forecasting. Labour market analysis involves an assessment of population, labour force, migration, employment and unemployment trends. Labour market research provides data to assist in program and policy development; research, for example, has been conducted on the impact of technological change, management training needs and employers training requirements. The Section liaises with the federal government in the forecasting of human resource requirements.

377. The Section produces publications on the labour market including the Prince Edward Island quarterly Labour Market Bulletin which provides information on various aspects of the labour market, for example, employment, unemployment, population, unemployment insurance claimants and average weekly wages. The Bulletin also provides special features on certain employment and economic development programs. Other publications are also available from the Section such as Women in the PEI Labour Force, Unemployment on Prince Edward Island and community profiles of several communities throughout Prince Edward Island.

Technical and vocational guidance and training programs

378. The Department of Industry co-ordinates the Apprenticeship Program which provides persons with the opportunity to acquire the necessary knowledge and skills to earn a living working at a trade/occupation. Learning takes place on the job site with short supplementary in-school training periods. Employers wishing to enroll an employee in an apprenticeship program must have qualified trainers on the job site to supervise the apprentices. Apprentices must be at least 16 years of age and have completed Grade 10 or its equivalent.

379. The Government of Prince Edward Island, through the Department of Industry, co-operates with the Government of Canada in the delivery of the programs instituted under the National Training Act (federal), namely the National Institutional Training Program and the National Industrial Training Program. A National Training Agreement was signed by the two governments setting the frame for their co-operative efforts in this area.

380. Minor changes have been made to the In-Service Training Assistance Program for teachers mentioned in the previous report. The joint committee established under the Program receives applications for financial assistance for in-service training activities and makes recommendations to the Minister of Education. In the event that the monies available are not fully expended through these applications, the committee may recommend that additional funding be provided to the applicants, or that remaining funds be used for a government-sponsored program (Memorandum of Agreement between the Province of Prince Edward Island and the Prince Edward Island Teacher's Federation, 1981, section 41). A new section inserted in the Agreement ensures that all teachers who are involved in teaching a new program are given an opportunity to participate directly in any in-service program which is offered.

381. Additional information on occupational training can be found in Prince Edward Island's section of Canada's report on articles 13-15 of the Covenant, paragraphs 451-462.

Protection against arbitrary termination of employment

382. Provisions against arbitrary termination of employment, contained in the Labour Act, the Civil Service Act and the School Act, were explained in the previous report. Changes have been made to some provisions by the new Civil Service Act and by amendments to the School Act.

383. Under subsection 33 (4) of the revised Civil Service Act, subject to the concurrence of the Civil Service Commission, a department head or a deputy head may, for cause, demote or dismiss an employee in his department or agency. Under the previous Act, this could only be done, in the case of permanent employees, by authority of the Lieutenant Governor in Council. In addition, employees whose services are no longer required can be laid off by the deputy-head, but they must receive advance notice as prescribed by the regulations and have their name placed on appropriate re-employment lists.

384. Section 42 of the School Act, R.S.P.E.I. 1974, c. S-2, has been replaced by a new section which provides that any contract of employment of a teacher, other than short-term contracts made with substitute or temporary teachers, continues in force from school year to school year and, unless earlier terminated by mutual consent, dismissal for cause or for unsatisfactory service, may be terminated only at the end of a school year by notice in writing by one party to the other.

Data on employment and unemployment

385. According to Statistics Canada, there were 125,600 people living in Prince Edward Island on June 1, 1984. The labour force, which is comprised of persons 15 years of age and over, numbered 56,000 in 1984. Employment has increased dramatically since 1966, with 14,000 more people being employed in 1984. As a result of the nature of the Prince Edward Island industrial structure, there is a high concentration of employment in seasonal industries. This influences the unemployment rate. In 1984, Prince Edward Island's average annual unemployment rate was 12.8%. The Canadian rate, on the other hand, was 11.3% in 1984. Detailed analysis of Prince Edward Island labour force, including data on employment and unemployment, can be found in the Labour Market Bulletin produced quarterly since 1982.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

Methods used for fixing wages

386. As explained in the previous report, minimum rates of wages are set by the Employment Standards Advisory Board established under the Labour Act. The minimum wage scales do not apply to farm labourers, registered apprentices, persons employed for the sole purpose of protecting and caring for children in private homes, and employees of a non-profit organization who are required by the terms of their employment to live-in at a facility operated by the organization. For the purpose of enabling people who are disabled to be gainfully employed, wages paid to them may, by agreement, be set below the minimum wage.

387. Under the Compensation Review Act, S.P.E.I. 1983, c. 6, assented to June 23, 1983, wage controls were established for public sector employees for a period of two years starting April 1, 1983. During that period, wages of public employees were not to increase by more than 5%, except in cases of incremental payments or special adjustments, in which cases an additional increase of 2.5% was permitted. The purposes of this enactment were: to monitor increases in compensation in the public sector; to enable collective bargaining to continue; to preserve public services and retain job security within the ability of the employer to pay; and to ensure that compensation plans in the public sector are within the limit, and fair and reasonable having regard to the guidelines.

388. Agreements between the elementary and secondary school teachers, represented by the P.E.I. Teachers' Federation, and the Minister of Education determine salary scales and increases, as well as responsibility allowances paid to administrators. Full-time salaries paid during the school year September 1982 to June 1983 ranged from $12,671 for an established teacher with the lowest level of certification and experience to $34,371 for the highest qualified teacher with 10 or more years of teaching experience. Certification standards have been raised for newly graduated teachers starting their teaching career and the beginning salary is $17,423.

389. Hospital employees are represented by either the Nurses' Collective Bargaining Committee, the Canadian Union of Public Employees or the General Hospital Employees Association. These bargaining units negotiate with the Health Negotiating Agency composed of representatives of the Treasury Board, the Hospital Services Commission and the Hospital Association. Collective agreements reached through these negotiations are the main instruments to ensure fair remuneration for these employees.

Data on the evolution of levels of remuneration and the cost of living

390. The minimum wage in Prince Edward Island, effective October 1, 1985, was $4.00 an hour for employees 18 years of age and over, and $3.25 an hour for employees under 18 years of age.

391. In 1985, the average weekly earnings in major industries (those employing 20 or more people and excluding agriculture, fishing, trapping, some service industries, and public administration) were approximately $306.74, representing a 63.4% increase since 1977 when average weekly earnings were $187.73 and a 22.6% increase since 1981 when they were $250.13. The average Charlottetown/Summerside Consumer Price Index rose from base 100 in 1981 to 124.5 in 1985.

B. Safe and healthy working conditions

Implementation procedures

392. In November 1982, following the adoption of the Occupational Health and Safety Council Act, S.P.E.I. 1982, c. 21, an Occupation Health and Safety Council was established with the objective of preventing accidents and injury to health and well-being arising in the course of work and eliminating or minimizing hazards inherent in the working environment and working practices. Details on the composition and functions of the Council can be found in Prince Edward Island Section of Canada's report on articles 10-12 of the Covenant, under heading 12B(4)(iv).

393. In May 1985, following recommendations made by the Council, a new Occupational Health and Safety Act, S.P.E.I. 1985, c. 36, was assented to. The new Act expands and consolidates occupational health and safety provisions contained in the previous legislation. The Act provides, among other things, for the continuation of the Occupational Health and Safety Council, the establishment of a health and safety division within the Department of Labour and Fisheries, the carrying out of inspections in the workplace, and the appointment of boards of inquiry to inquire into any matter concerning the health and safety of employees. It defines the duties of employers and employees, recognizes the right of employees to refuse work that is likely to endanger health or safety, and provides for penalties for violations of its provisions. Once proclaimed, the Act will repeal the Occupational Health and Safety Council Act and the Construction Safety Act. As of October 1986, only section 5, which creates a health and safety division, had been proclaimed.

394. Under the Construction Safety Act, S.P.E.I. 1981, c. 7, the Workers' Compensation Board has the discretion to appoint a health and safety committee for a particular project with responsibility to ensure that the safety of workers employed is not endangered. In addition, the Board has the authority to appoint inspectors who may enter, inspect and examine a project to ascertain whether the provisions of the Act and regulations are being complied with. Inspectors may give directions for the carrying out of the provisions of the Act or the regulations including stop work orders. Fires and accidents that occasion bodily injuries as well as accidental explosions must be reported in writing to the Chief Inspector. The Act provides for penalties for non-compliance with its provisions and the regulations and for failure to comply with a direction given by an inspector.

Categories of workers not covered by health and safety measures

395. As mentioned in the previous report, workers not covered by the Workers' Compensation Act, R.S.P.E.I. 1974, c. W-10, include casual workers, members of a police force or fire department, farm labourers and domestic servants. The police and firemen are covered by collective agreements. Farm labourers can be covered upon application. Teachers are not covered by choice, whereas the non-instructional employees of school boards have joined voluntarily.

Data on occupational accidents and diseases

396. The average annual number of compensation claims during the period 1978-1982 was: for medical aid only, 1,578; for non-fatal injuries, 1,732; for fatal injuries, 6.

C. Equal opportunity for promotion

397. The information provided in the previous report, under heading 7C remains valid. The guarantees which apply to equal access to employment, as explained under heading 6B(1) above, also apply to promotions.

D. Rest, leisure, limitation of working hours, and holidays with pay

398. The information contained in the previous report remains valid except for the following. Section 64 of the Labour Act provides that an employee who works for an employer for at least 90% of the regular working hours within a continuous 12-month period is entitled to a paid vacation of at least two weeks.

Employees who work in excess of 24 hours a week but are not full-time employees are not entitled to a paid vacation; they must however, be paid an amount equal to 4% of their gross earnings one week after their anniversary date or upon termination. Civil servants continue to receive vacation entitlement at a rate of 1 1/4 days per month of service. However, the rate increases to 1 2/3 days per month after 7 years of service instead of 19 years as was previously the case.

ARTICLE 8: TRADE UNION RIGHTS

Right to form and join trade unions

399. The right of employees to join trade unions as provided for in the Labour Act, the School Act and the Civil Service Act was discussed in the previous report. Mention was also made of those employees who did not have such a right. Since then, registered nurses have gained the right to unionize through an amendment to section 7(a) of the Labour Act passed in 1980. Before the passing of that amendment, the Association of Nurses of Prince Edward Island, established under the Nurses Act, R.S.P.E.I. 1974, c. N-3, was the only body entitled to represent the nurses for collective bargaining purposes. Nurses may now form independent unions which may be certified under the Labour Act.

400. It should also be mentioned that school board employees, who have the right to bargain collectively under the School Act, can change their authorized representative for collective bargaining if supported by a majority of the employees in the bargaining group.

401. A new section (s. 39), added to the Memorandum of Agreement between the Province of Prince Edward Island and the Prince Edward Island Teachers' Federation (PEITF) in 1981, provides additional protection to teachers against reprisals for union membership or activities. It reads: (i) No Regional School Board shall refuse to continue to employ any teacher, or otherwise discriminate against any teacher in regard to employment or to any term or condition of employment because the teacher is a member of the PEITF or is exercising any right under this teacher agreement. (ii) No Regional School Board or agent thereof shall seek by intimidation, or any other kind of threat, or by the imposition of a pecuniary or any other penalty or by any other means to compel a teacher to refrain from any activity being carried out by said teacher on behalf of the PEITF or from exercising any right under this teacher agreement.

402. A similar provision in the collective agreement for non-instructional employees of the school boards prohibits discrimination or coercion of an employee by the employer, or of the employer by the union or an employee.

403. The Human Rights Act prevents employees' organizations from discriminating against any individual on the basis of race, religion, creed, colour, sex, marital status, ethnic or national origin, age, physical or mental handicap or political belief (section 8).

Right of trade unions to federate

404. Most unions in the province continue to be federated with national or international unions.

Right of trade unions to function freely

405. The processes of collective bargaining under the Labour Act and the Civil Service Act were explained in the previous report. It should also be mentioned that instructional and non-instructional employees under the school system bargain with the province according to the procedures set out in the Regulations to the School Act, sections 1.52-1.79 and 2.02-2.33.

Right to strike

406. The basic rules and restrictions with respect to the right to strike, as set out in sections 35 and 40 of the Labour Act, were explained in the previous report. Changes made to the Act in 1980 have eased these rules. Under new subsection 35(3), where a collective agreement contains a provision for a re-opener clause to renegotiate rates of wages prior to the expiration of the agreement, strikes or lockouts may take place consequent on the failure of the negotiations, provided that the parties have complied with the rules set for regular collective bargaining. The period of 21 days which had to be observed before a strike could take place following the filing of a report of unsuccessful conciliation by a conciliation officer has been reduced to 14 days (section 40(3)(a)).

ARTICLE 9: RIGHT TO SOCIAL SECURITY

Main features of the social security system

407. The previous report contained a detailed description of the Welfare Assistance Program established under the Welfare Assistance Act, R.S.P.E.I. 1974, c. W-4. Information on the program as well as on other social security programs can also be found in the P.E.I. section of Canada's report under articles 10-12 of the Covenant, under headings 10 and 11A in particular.

Medical care

408. Prince Edward Island's section of Canada's report on articles 10-12 of the Covenant contains a detailed description of the P.E.I. health care system, under headings 12B(5) and 12B(6) in particular.

Cash sickness benefits

409. The following changes occurred to the provisions described in the previous report. Civil servants accumulate sick leave credits at the rate of 1 1/4 days per calendar month, up to a new maximum of 210 days compared to 150 days previously. Non-teaching employees in the school system receive sick leave credits at a rate of 1 1/2 days for each month with a new maximum accumulation of 200 days, under an amendment to their collective agreement, up from 180 days.

Maternity benefits

410. A detailed discussion on maternity leave provisions and benefits in Prince Edward Island can be found in Prince Edward Island's section of Canada's report on articles 10-12 of the Covenant, under heading 10B(3). Mention was made in that report of the insertion of new maternity leave provisions in the Labour Act

in May 1982, as well as of the various maternity leave provisions contained in the collective agreements of civil servants employed by the provincial government, nurses employed by the general hospitals and other hospital workers, teachers employed in public schools, and nurses employed by addiction services.

411. Mention was made, in the first report on articles 6-9, of provisions of their collective agreements which permitted teachers and other school employees to use up to 10 days of accumulated sick leave credits during their absence due to childbirth. These employees now receive paid leave rather than using sick leave for a portion of their absence due to childbirth.

Invalidity benefits

412. General invalidity benefits are provided under the Welfare Assistance Act. The terms of the Act were described in Prince Edward Island's section of Canada's report on articles 10-12 of the Covenant, under headings 10B(5) and 11A(b). Benefits for invalidity resulting from employment injury are compensated under the Workers' Compensation Act, as explained below. Individual and group insurance plans also provide for invalidity benefits.

Old-age benefits

413. The Civil Service Superannuation Act, R.S.P.E.I. 1974, c. C-11.1 and the Teacher's Superannuation Act, S.P.E.I. 1975, c. 28, established superannuation funds for civil servants and teachers, respectively. The School Act provides for the establishment of a pension plan for non-teaching employees of the school boards.

Survivors' benefits

414. Mention was made in the previous report of benefits provided under the Workers' Compensation Act. Following amendments to the Act adopted in 1982, the dependent widow or widower of an employee who died as a result of an employment injury receives a lump sum of $500 and thereafter a monthly payment of $350 with additional monthly payments of $75 for each child under the age of 16 years.

415. Additional information on survivors' benefits can also be found in Prince Edward Island's section of Canada's report on articles 10-12 of the Covenant, under headings 10A(4) and 10B(5) where the provisions of the Dependants of a Deceased Person Relief Act and the Fatal Accidents Act are explained along with the provisions of the Workers' Compensation Act.

Employment injury benefits

416. As explained in the previous report, compensation for employment injuries is provided under the Workers' Compensation Act. Since the submission of that report, the maximum earnings for permanent disability have been raised to $17,000 a year, up from $9,000 as they were then.

Family benefits

417. Information on programs of assistance to the family provided by the Government of Prince Edward Island can be found in Canada's report under articles 10-12 of the Covenant, under heading 10A(4) in particular.

QUÉBEC*

418. The Government of Québec undertook to comply with the International Covenant on Economic, Social and Cultural Rights by adopting, on April 21, 1976, Order in Council Nº 1438-76. This second report by Québec covers the period from July 1978 to July 1985, and deals with the main measures adopted during this period.

ARTICLE 6: THE RIGHT TO WORK

Right of everyone to the opportunity to gain his/her living by work which he/she freely chooses

419. The Act Respecting the Abolition of Compulsory Retirement and Providing Amendments to Certain Legislation, assented to on April 1, 1982, is designed to eliminate compulsory retirement from Québec law; any person who is working may continue to gain his/her living, regardless of age or the number of years of service (section 84.1 of the Act Respecting Labour Standards).

Policies and techniques to achieve steady economic, social and cultural development and full and productive employment

420. The Department of Manpower and Income Security was created on December 16, 1982; its mandate covers a number of areas of government intervention concerning manpower, employment and income security. The bases for this Department's action are as follows: (a) an income security policy based on respect for and development of the individual in society must seek to ensure this income security, in so far as possible, by means of the income that each person may derive from his/her work. The primary objective of such a policy is to encourage access to the labour market by all persons who are capable of working; and (b) for persons who, for specific reasons or because of the prevailing socio-economic situation, are unable to enter the labour market, society must accept responsibility for maintaining a minimum income level. The resources used to sustain or maintain income must seek to encourage as much as possible the return to work of persons who are capable of working.

421. In 1982, the Québec Manpower Centres and the social aid offices were merged into a single network: the Travail-Québec network.

422. With a view to developing employment, Québec has implemented a number of job creation programs since 1978. A description of these programs appears in Appendix I of this report.

423. Regarding social development policies, see Québec's report in Canada's initial report on articles 10-12, under articles 10-11. For policies relating to cultural development, see Québec's report on articles 13-15 of the Covenant in Canada's initial report on these articles, paragraphs 1049-1153.

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* Report prepared by the Government of Québec.

Organization of the employment market

424. The placement activities of the Department of Manpower and Income Security seek to adapt employment supply to employment demand effectively and rapidly by means of a network of 108 Travail-Québec centres located throughout the province. Between 1978 and 1984, the Québec Manpower Centres and the Travail-Québec centres (since 1982) handled placement of approximately 265,000 job seekers.

Technical and vocational guidance and training programs

425. In Québec, a number of measures to promote adult occupational training have been set up. Administration of these measures is mainly the responsibility of the Department of Manpower and Income Security and its network of 35 Manpower Vocational Training Commissions throughout the province.

426. The various measures that apply may be divided into three groups according to the agencies that administer them. A description of these measures may be found in Appendix II of this report. A copy of the document Les femmes et la formation professionnelle is being sent to the Secretary-General of the United Nations as reference material.

427. In addition, other types of training are available to adults through the regular educational programs of the Québec public education system.

Protection against arbitrary termination of employment

428. The Act Respecting Labour Standards provides standards regarding prior notice of dismissal. Except in the case of a contract for a fixed term or for a specific undertaking, an employee (except an executive officer) who is credited with three months or more of uninterrupted service with the same employer is entitled to a prior notice in writing before being dismissed (section 82). An employer failing to give such prior notice is subject to a penalty (section 83).

429. With regard to collective dismissals, section 45 of the Manpower Vocational Training and Qualification Act and sections 2 and 3 of the Regulation respecting the notice of collective dismissal, adopted under this section, state that any employer who foresees having to make a collective dismissal must give notice thereof to the Minister of Manpower and Income Security within certain prescribed delays. Upon the request of the Minister, every employer must immediately take part in the establishment of a committee on reclassification of employees, consisting of an equal number of representatives of the employer and of the employees, which must encourage the reintegration of dismissed employees. Between 1978 and 1984, 375 reclassification committees were created and given financial assistance, directly affecting 80,000 workers.

430. In addition to job creation programs, the Department of Manpower and Income Security administers an employment maintenance program whose objective is to prevent collective dismissals and to ensure better job stability. This program is intended, in particular, for companies where the employer is having difficulties that may have an impact in the medium term on jobs. The program takes the form of employment maintenance committees, made up of an equal number of representatives of the employer and of the employees. The mandate of such a committee is to analyse the company's problems, explore ways of solving these problems, recommend the appropriate corrective action to the parties concerned

and co-ordinate various resources for implementing the recommendations. Between 1978 and 1984, 567 committees were created and given financial assistance in order to prevent the dismissal of 73,345 employees.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

Principal methods used for fixing wages

431. In Québec, 40% of workers are governed by collective labour agreements. As of December 31, 1984, 3,916 collective agreements were in effect. For other employees, the Act Respecting Labour Standards contains provisions applicable to wages. A minimum wage is set by government regulation and reviewed periodically. In June 1985, the general minimum wage was $4.00 an hour. A copy of the Act Respecting Labour Standards is being sent as reference material with the present report.

Equal pay for work of equal value and equality in conditions of work for women

432. In Québec, equality of remuneration is based on the concept of equivalent work. See Québec's report in Canada's initial report on articles 6-9 of the Covenant, under article 7, and Québec's report in Canada's initial report on the Convention on the Elimination of All Forms of Discrimination Against Women, Appendix II, under article 11, paragraphs (d) and (f).

433. In 1982, Québec introduced the concept of affirmative action programs into its legislation. See section (C) (equal opportunity for promotion) in this article.

B. Safe and healthy working conditions

Arrangements and procedures

434. Québec's first report stated that Québec has extensive legislation concerning safe and healthy working conditions. In 1979, this legislation was consolidated when the Act Respecting Occupational Health and Safety was adopted. This is a public law statute and any provision of an agreement or a decree that derogates from it is void by operation of law. This statute binds the Government of Québec and its departments and agencies.

435. The object of the Act is the elimination, at the source, of dangers to the health, safety and physical well-being of workers. It provides mechanisms for the participation of workers, workers' associations, employers and employers' associations in the realization of its objective.

436. The Commission de la santé et de la sécurité du travail is the agency Québec has made responsible for administering its occupational health and safety program.

437. The Commission is administered by a board of directors composed of 15 members appointed by the government upon the recommendation of the most representative employers' and union associations.

438. The Act provides that health and safety committees may be established in any establishment employing more than 20 workers and belonging to a category identified for that purpose by regulation of the Commission. The Commission, where it considers it expedient, may require the establishment of a health and safety committee, regardless of the numbers of workers in the establishment. The purpose of a health and safety committee is to enable the employer and the workers in his/her employ to take charge of prevention within an establishment.

439. The Regulation respecting health and safety committees has been in effect since October 22, 1983 for establishments in priority groups designated by regulation of the Commission in 1982 and 1983. The first committees were formed in 1984. The designated sectors of economic activity are: construction industry, chemical and chemical products industries, forestry and sawmills, mines, quarries and oil wells, metal fabricating industries, wood industry (not including sawmills), rubber and plastics products industries, transportation equipment industries, primary metal industries, non-metallic mineral products industries.

440. As of December 31, 1984, the Commission had received 528 notices of establishment of a committee in establishments in priority groups employing more than 20 workers, which represents 24% of the establishments of that size. In addition, 59 establishments employing 20 workers or less forwarded a notice of establishment of a committee to the Commission.

441. The Act also provides that every employer who has an establishment of a category identified for that purpose by regulation must see that a prevention program for each establishment under his authority is implemented, taking into account the responsibilities of the health and safety committee, if any (section 58). As of December 31, 1984, the Commission had received approximately 85% of the expected prevention programs from priority-designated establishments. Prevention programs must be updated annually.

442. Construction sites are the subject of special more stringent provisions in the Act regarding prevention and control (sections 194-222).

443. In addition, the Act provides for the appointment of inspectors. When inspectors observe breaches of the Act or the regulations, or the presence of a danger to the health or safety of workers, their powers to make decisions and orders allow them to take measures ranging from remedial orders to the suspension of work or the complete or partial shut-down of a workplace. Offenders are subject to penalties.

Information on sectors for which measures to ensure safe and healthy working conditions have not yet been fully implemented

444. From the very beginning of its mandate in 1980, the Commission has established priorities in occupational health and safety, taking into account the seriousness and the frequency of work-related accidents and known health risks.

445. During 1984, the Commission took an interest in the following five priority sectors of activity which will soon be designated by regulation: public administration, food and beverage industry, furniture and furnishings industry, paper and miscellaneous activities industry and, finally, transportation and warehousing. The Commission's prevention role has evolved gradually.

Information concerning occupational accidents and occupational diseases

446. In 1984, 347,662 occupational accidents, occupational diseases or deaths were reported to the Commission. For a more detailed study of this information, the reader is referred to the 1984 Annual Report of the Commission de la santé et de la sécurité du travail, which is being sent as reference material with the present report.

C. Equal opportunity for promotion

447. On December 22, 1983, a new Public Service Act received approval. Under this Act, the Treasury Board determines the maximum number of employees required for the administration of each department or agency and the classification of positions of the holders of the positions in the public service. The classification of positions includes the minimum conditions of eligibility for the classes of positions or grades. Under this Act, public servants are recruited and promoted by competition.

448. The Act instituted an Office des ressources humaines which, among other duties, is responsible for holding competitions for the recruitment and promotion of candidates and prescribing conditions of eligibility for a competition held to fill a position or several positions. The Act provides that the conditions of eligibility must be consistent with the minimum conditions of eligibility to the classes of positions or grades prescribed by the Treasury Board and allow the implementation of government policies regarding affirmative action programs intended, in particular, for women, members of cultural communities, handicapped persons or Native persons.

449. In this connection, section 80 of the Act states that the Treasury Board is responsible for setting up affirmative action programs to remedy the situation of persons belonging to groups discriminated against in employment. These affirmative action programs are set up in accordance with the Québec Charter of Human Rights and Freedoms. On December 18, 1982, the Charter was amended by adding provisions regarding affirmative action programs (sections 86.1-86.8). These sections came into effect on June 26, 1985.

D. Rest, leisure, limitation of working hours, and holidays with pay

Position in law and practice as regards:

(i) Weekly rest

450. Section 78 of the Act Respecting Labour Standards provides that an employee is entitled to a weekly minimum rest period of 24 consecutive hours. There are exceptions for farm workers.

(ii) Normal hours of work and overtime

451. Section 52 of the Act states that the regular work week is 44 hours. Section 55 states that any work performed in addition to the regular work week entails a premium of 50% of the prevailing hourly wage paid to the employee except premiums computed on an hourly basis. For the purposes of computing overtime, annual leave and statutory general holidays with pay are counted as days of work.

(iii) Holidays with pay

452. For Québec employees not governed by a collective agreement or a decree, the Act (sections 66-76) states the principle of entitlement to annual leave. The duration of this leave is calculated in terms of the duration of uninterrupted service with the same employer. The Act also provides for certain circumstances under which an employee may be absent from work for one day with or without reduction of wages. Without reduction of wages, an employee may be absent, on his/her wedding day, by reason of the death or the funeral of his/her child, of the person to whom he/she is married or with whom he/she is living as husband or wife, his/her father, his/her mother, his/her brother or his/her sister. On the wedding day of one of his/her children, an employee may be absent without pay.

(iv) Remuneration for public holidays

453. In Québec, there are seven statutory general holidays that are non-working days with pay under the Act and the associated Regulation respecting labour standards. To benefit by a statutory general holiday, the employee must be credited with 60 days of uninterrupted service in the undertaking and not be absent from work without the employer's authorization or without valid cause on the day preceding or the day following that holiday. The indemnity paid to an employee for a holiday shall be equal to the average of the daily wages for the two weeks preceding that holiday.

Principal arrangements and procedures to implement these rights

454. The labour standards contained in the Act Respecting Labour Standards and the Regulation respecting labour standards are of public order, unless the Act expressly permits derogation therefrom. Similarly, any agreement or collective agreement decree that derogates from a labour standard is void by operation of law. An agreement or a decree may grant an employee a more favourable working condition than that provided in the Act.

455. Instituted by the Act, the Commission des normes du travail is responsible for supervising the implementation and application of labour standards. The Commission's major functions are to inform the population on matters dealing with labour standards, receive complaints from employees and indemnify them to the extent provided in the Act.

456. The Act provides recourses for claim of monies owing by the employer to an employee. These recourses may be exercised by the employee himself/herself or by the Commission on his/her behalf. The Commission may make an inquiry of its own initiative, but when a complaint is filed with it by an employee it must make an inquiry with due dispatch.

457. For employees subject to a collective agreement or a decree, the recourses provided in the Act may not be exercised until the employee has proven to the Commission that he/she has exhausted his/her recourses arising out of that agreement or that decree.

ARTICLE 8: TRADE UNION RIGHTS

458. The major legal provisions governing trade union rights in Québec were cited in the first report of Québec, under article 8. Except for the following

paragraph, the information and comments concerning article 8 which follow relate to the special restrictions imposed upon the exercise of trade union rights by certain categories of workers (section F).

459. An Act respecting the negotiations of the collective agreements in the public and parapublic sectors (1985, c. 12) came into force in 1985. Its object is to define a framework for collective bargaining in the sectors of education, social and governmental agencies.

F. Special restrictions imposed upon the exercise of trade union rights by members of the police or the administration of the State

1. Right to form and join the trade union of one's choice

2. Right of trade unions to join national federations

460. Section 4 of the Labour Code states that municipal constables cannot be members of an association of employees which does not consist solely of municipal constables or which is affiliated with another organization. Section 5 of the Act Respecting the Syndical Plan of the Sûreté du Québec is worded in similar terms. Finally, section 68 of the Public Service Act states that an association of employees who are peace officers or performing duties of a peace officer shall only affiliate with an association exclusively grouping employees performing duties of a peace officer.

3. Right to strike

461. The Labour Code, the Public Service Act and the Act Respecting the Syndical Plan of the Sûreté du Québec provide respectively that strikes are prohibited in any circumstances to the police officers and firemen in the employ of a municipal corporation or an inter-municipal management board, employees who are peace officers or performing duties of a peace officer and members of the Sûreté du Québec.

462. In 1982, the Québec legislature inserted into the Labour Code a new chapter, Chapter V.1, which deals with special provisions applicable to the public services. These provisions established the Conseil des services essentiels, a council which is to further the awareness of employers and certified associations in respect of the maintenance of essential services during a strike in a "public service". The Labour Code lists the undertakings or agencies which provide a public service in Québec. They are: a municipal corporation or intermunicipal management board; a health care establishment or a regional council of health services and social services; a telephone service; a fixed schedule land transport service (railway, subway) or a transport service carried on by bus or by boat; an undertaking engaged in the production, transmission, distribution or sale of gas, water or electricity; a home-garbage removal service; an ambulance service or the Canadian Red Cross Association; or an agency that is a mandatary of the Government of Québec.

463. Thus, in undertakings providing public services in Québec, the exercise of the right to strike is subject to the special condition that essential services be maintained. This obligation is not, however, automatic and actually depends more on a prior decision by the government. On the recommendation of the Minister of Labour, the government, if of the opinion that a strike in a public

service might endanger the public health or public safety, may, by order, require an employer and a certified association in that public service to maintain essential services in the event of a strike. The parties must negotiate what essential services must be maintained and must forward their agreement to the Council, which will assess whether or not the essential services provided therein are sufficient. The government may, by order, suspend the right to strike if it is of the opinion that the essential services provided for or actually rendered are insufficient and that it endangers the public health or public safety. This suspension has effect until proof is made to the satisfaction of the government that where the right to strike is exercised, essential services will be sufficiently maintained in that public service.

ARTICLE 9: RIGHT TO SOCIAL SECURITY

464. The legal provisions in force in Québec in the area of social security were broadly explained in the first report of Québec, under article 9. The information that follows is intended to complete and update the information provided in the first report.

Main features of the schemes in force for each of the branches of social security listed below

(a) Medical care

465. The Québec Health Insurance Plan was instituted on November 1, 1970 by the Québec Health Insurance Act. The Québec Health Insurance Board was created in 1969 to administer the Plan. All residents of Québec are eligible for the Plan. They must register with the Board which issues them a health insurance card.

466. Financing of the Plan comes primarily from a contribution from employers equal to 3% of payroll; it is complemented by amounts from the government's general revenues.

467. Medical, optometric and surgical services are free of charge for all beneficiaries of the Québec Health Insurance Plan. The Board also administers various programs intended for specific groups of Québec residents such as children, the elderly, persons entitled to social aid and persons suffering from a handicap. These programs concern dental services, dental prostheses, medications and pharmaceutical services, prostheses, orthopedic devices, apparatus and other equipment, visual aids, hearing aids, breast prostheses, ocular prostheses, devices provided to colostomy and ileostomy patients, and hospital services provided outside Québec.

(b) Cash sickness benefits

468. Of the 3,916 collective agreements in effect as of December 31, 1984, 57% contained provisions relating to income protection when the employee is sick. These provisions concern the number of sick days per year available to an employee, the maximum accumulation of sick leave, and reimbursement for unused sick leave when the employee separates or retires.

469. Fifty-six per cent of the collective agreements in effect as of December 31, 1984 have specific provisions concerning a salary insurance plan. These

provisions cover the duration of the waiting period before salary insurance benefits may be received, the employer's contribution to the salary insurance plan, the maximum period during which salary insurance may be paid and the maximum amount thereof.

(c) Maternity benefits

470. The Government of Québec has established a maternity allowance program aimed at providing financial compensation to women who must stop working because they are having a child. The allowance consists of a lump sum of $240 paid to women who are eligible for maternity unemployment benefits from the Canada Employment and Immigration Commission and who have lived in Québec for at least one year at the date the maternity leave begins.

471. The Regulation respecting labour standards provides for a maximum of 18 weeks of maternity leave. Female employees of the Québec public service enjoy more favourable maternity benefit provisions. The maternity leave is 20 consecutive weeks, during which time the employee receives benefits corresponding to 93% of her basic pay. A female employee of the Québec public service who has taken maternity leave may obtain an extension of this leave for a maximum of two years, without pay. This extension must be consecutive to the maternity leave. The employee may take full-time leave or opt for partial leave without pay.

(d) Invalidity benefits

(e) Old age benefits

(f) Survivors' benefits

472. The Québec Pension Plan, created in 1967, provides workers, both employees and those who are self-employed, and their dependants with basic protection against loss of income resulting from retirement, death or permanent disability. The Plan provides for retirement, disability and survivor benefits. Entitlement to the various benefits is subject to specific conditions. The contributor must have contributed to the Plan for a minimum period which varies with the type of benefit. Benefits are indexed and the rate of indexation is directly related to the Consumer Price Index. The Québec Pension Plan is compulsory and covers all workers between 18 and 70 years of age who earn income from employment.

473. In March 1980, the number of those receiving benefits under the Québec Pension Plan was 376,000, while in 1984 it was 518,000. The total amount paid out for these pensions and benefits was $705,000,000 in 1980 and $1.28 billion in 1984. Since the Québec Pension Plan was established in 1967, $6.234 billion has been paid to beneficiaries.

474. Since 1978, the Automobile Insurance Act has allowed all Quebecers, whether drivers, passengers, pedestrians or other users of the road, who are victims of bodily injury in Québec or elsewhere to receive compensation regardless of who is at fault. Non-residents may also be compensated in certain circumstances. The Act provides for the payment of income replacement benefits, death benefits, lump-sum benefits for bodily injury and permanent disfigurement, benefits for the reimbursement of certain expenses resulting from the accident

and rehabilitation benefits. The weekly income replacement benefit is equivalent to 90% of real net income; it is also paid to persons capable of working but who are unemployed, persons at home, persons under the age of 16, full-time students 16 years of age and over and persons 65 years of age and over on the basis of income attributed by the Régie de l'assurance automobile, which administers the Act.

(g) Employment injury benefits

475. The Workmen's Compensation Act determines the right of the beneficiaries of the various programs administered by the Commission de la santé et de la sécurité du travail. These programs are: compensation for temporary total disability, rehabilitation, permanent disability benefits and death benefits, and compensation for victims of asbestosis or silicosis in mines and quarries.

476. The accident fund is funded by contributions from employers which must be sufficient to pay for the benefits and routine administration costs and to maintain a reserve fund deemed sufficient to pay the benefits payable in future in respect of claims for accidents.

477. Compensation for temporary total disability paid by the Commission corresponds to 90% of the worker's net wages at the time of his/her accident, up to an insurable maximum which is adjusted each year. In 1984, the maximum was set at $31,500.

478. With regard to rehabilitation, the Commission offers its beneficiaries professional services and financial assistance under programs aimed at facilitating return to normal life, return to work and income support. A worker can receive up to 90% of his net income in his former job.

479. Victims of asbestosis or silicosis in mines or quarries have a special program based on replacement of income and payment of a lump sum calculated according to the percentage of their disability.

480. The 1984 Annual Report of the Commission de la santé et de la sécurité du travail which is being sent as reference material with the present report contains further information on the Commission's programs.

(i) Family benefits

481. The Québec family allowances plan has been in effect since 1974. It provides the mother or father of every unmarried child under 18 years of age with an allowance whose amount varies depending on the position the child occupies wihin the family. The annual budget of the Government of Québec between 1982 and 1985 was $184 million.

482. On December 13, 1979, the Government of Québec created the supplementary family allowances program for parents of handicapped children. Families who themselves care for a child under 18 years of age suffering from a serious permanent mental, motor or sensory handicap are eligible for the allowance. This allowance is paid monthly and between 1982 and 1985 rose from $74.05 to $86.46. The allowance benefits nearly 12,000 children.

483. The availability allowance program came into force in January 1982. It is designed to offset part of the child care costs incurred by parents. The allowance is paid once a year for every child who was under the age of six on December 31 of the preceding year.

International co-operation

484. Québec has concluded social security understandings with a number of countries since 1975. The purpose of these understandings is to ensure equal treatment of nationals under the legislation of each contracting Party, eliminate or reduce restrictions on the export of benefits, avoid double contributions for both employees and employers in the contracting Parties, permit periods of participation in the plans of the contracting Parties to be added up for purposes of determining eligibility for benefits, and establish the terms of co-operation between those responsible for enforcing the legislation of each contracting Party so as to facilitate access to the benefits resulting from these understandings for those contemplated therein.

485. The Québec programs covered by these understandings are the pension plan, the health insurance plan, the hospital insurance plan, the industrial accidents and occupational diseases compensation plan and the family allowance plan. In 1986, there were understandings dealing with one or more of these plans between Québec and Barbados, the United States, France, Greece, Italy and Portugal. Other understandings in the process of ratification had also been signed with Finland and Sweden.

APPENDIX I
Job creation programs developed by Québec between 1978 and 1985

(a) In effect from 1980 to 1984, the Return to Work Program was a grants program for businesses offering permanent regular or seasonal jobs to the unemployed, with priority being given to social aid recipients and persons eligible for social aid. Fifty-two million dollars in grants were paid and nearly 9,000 persons were hired.

(b) In effect from 1982 to 1984, the Temporary Job Creation Program was intended more specifically for social aid recipients. It had a budget of $90 million and led to the creation of 20,500 jobs.

(c) In effect from 1982 to 1984, the Job Card Program was aimed at helping people under 25 years of age, who had graduated from general and vocational college at least six months previously, to enter the job market by giving them an opportunity to acquire practical work experience. Under this program, 32,000 persons were hired and $126 million in grants was awarded.

(d) The Work Assistance Program, in effect from 1978 to 1982, was replaced on April 1, 1982 by the Chantier-Québec Program. These programs involved the awarding of grants for fully or partially reimbursing the wages and administration costs of businesses or organizations carrying out temporary employment projects of benefit to the community, and helping persons with serious employment adaptation problems caused by lengthy unemployment to re-enter the job market. The projects were to favour the well-being of a community at the village, neighbourhood, city or regional level. Between 1978 and 1984, these successive programs resulted in the hiring of 25,000 persons and nearly $130 million in grants were paid out. The Chantier-Québec Program was itself replaced in 1984 by the Community Work Program. In 1984-85, the program sought to enable 10,000 social aid recipients under 30 years of age to maintain or develop their employability and eventually join the labour market by participating in community activities. Participants in this program receive a monthly allowance from the Department of Manpower and Income Security and may obtain a supplementary allowance from the project sponsor.

(e) The On-the-Job Work Experience Program, in effect since 1984, sought during 1984-85 and 1985-86 to enable 30,000 social aid recipients under 30 years of age to acquire knowledge, skills and job experience that will help them enter semi-skilled or skilled occupations and facilitate their integration into the work environment. During the work experience period, the trainee receives monthly allowances from the Department of Manpower and Income Security and from the employer.

APPENDIX II

Principal measures encouraging adult occupational training established by Québec

(1) The first group of measures relates exclusively to the Department of Manpower and Income Security.

The first measure corresponds to the academic, occupational and occupational guidance information services, including the administration of psychometric tests, offered by the Manpower Vocational Training Commissions.

The second measure, Transition Travail, is exclusively for women who wish to enter the labour market or to return to it and who require assistance either in making the transition between the family environment and the world of work or in choosing an occupation or trade corresponding to their abilities and aspirations. This takes the form of an occupational guidance session organized by secondary schools and general and vocational colleges in Québec in co-operation with the Manpower Vocational Training Commissions.

The third measure concerns the services for evaluating occupational skills and for providing information, guidance and employment follow-up offered in Québec by some 60 non-profit organizations funded by the Department of Manpower and Income Security. Persons who may benefit from this program are those with specific emotional, mental, physiological or socio-economic difficulties in their efforts to enter the labour market.

The fourth measure, remedial classes, is exclusively for social aid recipients under 30 years of age or heads of single parent families of any age who have not completed their secondary school studies and who wish to continue or to complete their studies so that they can gain access to occupational training. The classes are given in secondary schools. In addition to their social aid benefits, participants receive a monthly allowance and reimbursement of certain expenses.

The fifth measure, return to post-secondary studies, is exclusively for social aid recipients who are heads of single parent families who have completed their secondary school studies and who wish to undertake college or university studies. Participants receive their social aid benefits, a monthly allowance and reimbursement of certain expenses.

The sixth measure, work experience program, is also exclusively for social aid recipients under 30 years of age who may or may not have completed their secondary school or college studies and who wish to acquire on-the-job occupational training. The maximum duration of the program is 12 months. Participants retain their social aid benefits and receive a monthly allowance from the employer and from the Department of Manpower and Income Security.

(2) The second group of measures has been established by the Department of Manpower and Income Security in co-operation with other Québec government departments. These measures are management training programs for persons who intend to start a business, who run or manage a business, who work with a spouse who owns a business or who administer or manage a co-operative.

The first measure, workshops for the future female business owner-manager, is exclusively for women. Women who wish to set up their own business or who are wondering about their entrepreneurial abilities may participate in workshops organized by the Department of Industry and Commerce with a number of economic organizations from various regions of Québec.

The second measure, business management courses, provides basic management courses in some general and vocational colleges in Québec. These courses are offered free of charge by the Department of Higher Education, Science and Technology.

The third measure involves the holding of regional seminars for managers of small- and medium-sized businesses in the tourism and hotel industry. These seminars, organized by the Department of Tourism, last two to three days.

The fourth measure, training in administration and management of co-operatives, is offered by the Department of Industry and Commerce to persons who wish to acquire training in co-operation, in administration or in the management of co-operatives.

The fifth measure, management training for small- and medium-sized businesses in the manufacturing and commercial sectors, consists of a series of seminars on various aspects of management offered by the Department of Industry and Commerce.

(3) The third group of measures is operated by the Department of Manpower and Income Security in co-operation with the Canada Employment and Immigration Commission under the Canada-Québec Adult Occupational Training Agreement.

Québec administers two programs resulting from this agreement: the National Institutional Training Program and the National Industrial Training Program.

The Institutional Training Program (in school) offers all workers, male and female, full-time or part-time occupational training courses as well as full-time training courses where these are a prerequisite for occupational training courses.

The Industrial Training Program (on the job) has two components: industrial general training and training of workers of whom there is a shortage in specialized trades. This program provides financial and technical assistance to the employer who wishes to do his own staff training to meet the specific requirements of the jobs to be filled.

APPENDIX III

List of reference material transmitted with the present report

Les Femmes et la formation professionnelle, Department of Manpower and Income Security, March 1985

Act Respecting Labour Standards, R.S.Q. c. N-1.1

1984 Annual Report of the Commission de la santé et de la sécurité du travail

SASKATCHEWAN*

Introduction

486. Saskatchewan's submission will update to September 1983 the information contained in Canada's first report. More detailed information about Saskatchewan's compliance with the Covenant can be found in Canada's first report.

ARTICLE 6

B.(1) Access to employment

487. The Department of Advanced Education and Manpower assumed responsibility for a Summer Student Employment Program in March 1983 which was directed at improving summer employment opportunities for students. A Youth Services Branch was also established in that Department in order to develop programs and services to assist in the transition from school to work, to assist youth to make informed career decisions, and to increase job opportunities for youth to enable them to gain positive labour market experience.

488. The reference in Saskatchewan's previous submission to section 148 of The Education Act should read: "Section 148 of The Education Act, R.S.S. 1978, c. E-0.1, provides for a fine of not more than $100 for anyone who employs without the approval of the principal a pupil under the age of 16 years during the hours that the school is in session."

(2) Policies and techniques to achieve steady economic, social and cultural development and full and productive employment

489. In 1983, the Department of Economic Development and Trade was created to provide services aimed at increasing investment in Saskatchewan and at stimulating increased trade. To increase investment, the Department provides financial assistance for market and feasibility studies, familiarizes potential investors with Saskatchewan's advantages as an investment location, provides a customized research and information service, and helps investors through regulatory and other start-up problems. To stimulate trade, the Department provides financial assistance, information and advice.

490. Also, in 1983, the Government created the Department of Tourism and Small Business to work with the private sector to develop the tourism and small business sector to its maximum potential.

491. The Special Rural Development Agreement, which originally was for five years, has been extended until March 31, 1987.

492. The Small Industry Development Program established under The Industry Incentives Act, 1970 has been discontinued.

493. The Department of Social Services provides programs and services designed to increase employability and employment opportunity for disadvantaged persons, and to enhance their ability to function independently. The Employment Support

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* Report prepared by the Government of Saskatchewan.

Program provides grants to sponsoring groups, businesses and agencies to provide work assessments and job placements for unemployed people receiving or eligible for assistance. The Department and the federal government also subsidize new employment opportunities for persons who have exhausted their unemployment insurance eligibility, and who otherwise would be forced to rely on social assistance. The Social Services Department offers individual vocational planning, counselling and placement services for disadvantaged people, through its network of field offices and through two specialized work preparation centres. Services are organized around individual needs and focus on community business and training establishments.

494. The Department also offers a comprehensive vocational rehabilitation program for mentally and physically disabled persons who may be integrated into the labour market and become self-sufficient. Using resources of the community and several federal and provincial departments, the program can offer assessment, training, education and placement services, and financial support. The Department of Social Services is also involved in the development of community resources for the mentally and physically handicapped, such as activity centres, sheltered workshops, and supported industries.

(3) Organization of the employment market

495. Saskatchewan's internal manpower planning and analysis activities have been consolidated with the creation of the Department of Advanced Education and Manpower, although the Department of Labour continues to play a role in this regard as well. The Labour Market Planning and Information Branch of the new Department is responsible for co-ordinating, rationalizing and analysing Saskatchewan's labour market intelligence to ensure that appropriate policy decisions are made respecting current and proposed manpower programs in the province.

(4) Technical and vocational guidance and training programs

496. The Apprenticeship and Tradesmen's Qualification Act, R.S.S. 1965, c. 299, amended by R.S.S. 1978, provides for trade training and for the examination and certification of tradesmen. The Act is administered by the new Department of Advanced Education and Manpower. Trade training and/or examination are carried on in over 25 trades. Trade training for apprentices is provided free of charge at Saskatchewan community colleges for many trades. Some trades, however, must be referred to out-of-province institutions. Living allowances are paid by Canada Employment and Immigration Commission to those apprentices attending trade courses.

497. The Trades Schools Regulation Act, R.S.S. 1965, c. 197, as amended, has been replaced by The Private Vocational Schools Regulation Act, R.S.S. 1978, c. P-26.1. The new Act provides for the regulation, registration and inspection of vocational schools. It applies to all private schools in which vocational training is offered.

498. The Human Resources Development Act, S.S. 1972, c. 54, reported in the previous submission will be repealed. Its provisions were never implemented and its goal of providing on-the-job training for disadvantaged persons is being served by other government programs.

499. For additional information on vocational education, see Saskatchewan's submission to Canada's report under articles 13-15 of the Covenant.

(5) Protection against arbitrary termination of employment

500. Under The Labour Standards Act, R.S.S. 1978, c. L-1, as amended in 1980, provisions were established to provide extended, graduated notice of termination, or payment in lieu of notice based on the length of service of workers who are terminated. The notice provisions provide greater periods of notice for those with greater seniority.

501. Section 212 of The Education Act provides an appeal process for teachers who feel that the termination of their contract by a board of education was not justified.

502. The Trade Union Act provides for the enforceability of collective agreements which, in turn, generally provide for the settlement of disputes such as terminations through mechanisms such as arbitration.

503. The common law provides some protection against unjust dismissal.

C. Statistics on employment and unemployment

504. In the province of Saskatchewan (population 979,400), the labour force (both sexes 15 years of age and older) is 462,000. The unemployment rate for the province is 6.2%. (All figures are for the year 1982.)

505. Statistics on employment and unemployment are gathered through the Department of Labour and other departments such as Advanced Education and Manpower and the Saskatchewan Bureau of Statistics.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

Principal methods used for fixing wages

506. The last reported minimum wage for Saskatchewan was $3.50 per hour as of January 1, 1980. There have been several increases since then: to $3.65 on May 1, 1980; to $3.85 on January 1, 1981; to $4.00 on July 1, 1981; and to $4.25 on January 1, 1982.

507. Saskatchewan's previous report indicated that the minimum wage is universally applied to Saskatchewan workers regardless of age or sex. Actually, some classes of workers are not covered by The Labour Standards Act, in particular, farm labourers and most domestic labourers. A rough estimate of the number of people on the minimum wage as a percentage of our work force is .05%.

508. Apart from legislative provisions mentioned in the first report and minimum wage guarantees, the principal method of fixing wages in the province is through agreements between individual employees and their employers in non-union situations (approximately 75% of the work force). The other 25% of the work force is unionized and the principal method of fixing wages in that sector is through collective bargaining.

509. Wage guidelines for public sector employees under the province's jurisdiction were introduced in 1982 for a two-year period as part of an economic recovery program to control inflation and government spending. The government's policy is to limit average wage increases to 1% less than the annual growth in the Consumer Price Index. The guidelines apply to the provincial government sector, Crown corporations, and the health, education and social services sectors. Grants to provincially funded organizations and local governments are based on the assumption that the policy is being followed.

C. Equal opportunity for promotion

510. An affirmative action program has been undertaken to increase the representation of women in senior or middle management levels in the provincial government. Responsibility for such programs are now shared by the Department of Advanced Education and Manpower, the Public Service Commission and the Department of Social Services. A management training program for women in government has also been established by Saskatchewan Labour.

511. The Saskatchewan Human Rights Code provides that no employer may discriminate against any person with respect to employment because of his race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin. Under the Code, the Saskatchewan Human Rights Commission may approve of or order affirmative action programs designed to prevent or reduce disadvantages that may be suffered by any group because of race, creed, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin by improving opportunities respecting employment.

512. The examinations for positions in the public service, mentioned in the previous report, are conducted by the Public Service Commission where practicable and not in all cases.

D. Rest, leisure, limitation of working hours and holidays with pay

513. The Labour Standards Act has been amended to provide for paternity leave, adoption leave and bereavement leave (in the event of death of a member of the immediate family).

514. Public employees who are not within the scope of a collective bargaining agreement are now entitled to 11 paid public holidays each year (up from 10) in addition to the vacation with pay to which they are otherwise entitled.

ARTICLE 8: TRADE UNION RIGHTS

515. The passage of the previous submission concerning employees' right to strike and employers' right to lockout should be updated as follows. Employees have the right to strike and employers have the right to lockout subject to the following: there shall be no strike or lockout during the course of an agreement; any strike or lockout requires 48 hours' written notice; after a strike has continued for 30 days a second vote can be requested by either the employer, the trade union or 25% of the bargaining unit up to 100 employees.

516. There is no statutory distinction between industrial relations in the public and private sectors in Saskatchewan's labour legislation. Public servants have the right to bargain collectively with their employers, including

the right to strike, through general provisions in The Trade Union Act, R.S.S. 1978, c. T-17. The Government must introduce ad hoc legislation to end public sector strikes which seriously disrupt essential services or threaten the public's well-being. During an election, the Government has the power to end strikes under The Labour-Management Dispute (Temporary Provisions) Act, S.S. 1981-82, c. L-0.1, if the dispute creates a situation "of pressing public importance" or endangers "the health or safety of any person in the province".

ARTICLE 9: RIGHT TO SOCIAL SECURITY

General

517. The Saskatchewan Assistance Plan continues to provide financial assistance and supplementary health benefits to persons in need. The program also provides training and employment opportunities to employables, as well as rehabilitative and support services, which are intended to prevent poverty and dependency or alleviate its effects.

Medical care

Continuing care

518. In addition to the health care services described in the previous submission, continuing care services are provided by the Department of Health. There are two major continuing care programs: home care and residential care. As of April 1, 1983, responsibility for the funding and administration of services to the elderly and, in certain instances, to the disabled were consolidated in the Department of Health. The intention is to provide a spectrum of continuing care programs which promote an independent lifestyle for the elderly and the disabled while preserving natural links with their homes and families. Services are provided under the authority of The Housing and Special Care Homes Act, R.S.S. 1978, c. H-13, and The Health Services Act, R.S.S. 1978, c. H-1. These programs are funded through user charges and provincial and federal grants for both operating and capital costs.

Hospital and medical services

519. Some dental surgery for medical reasons has now become an insured service under The Saskatchewan Medical Care Insurance Act, R.S.S. 1978, c. S-29. Benefits for elective hospital services obtained out of province were also improved.

Hearing aids

520. Two objectives of government programs under The Hearing Aid Act should be noted as opposed to the one objective mentioned in the previous submission: (1) to provide high quality hearing aids and necessary support services to residents of Saskatchewan at greatly reduced costs; and (2) to encourage hearing assessments by trained audiologists.

Dental care

521. In 1981, The Saskatchewan Dental Nurses Act was replaced by The Dental Therapists Act, S.S. 1980-81, c. D-6.1. This Act continues to provide for the registration of dental therapists (formerly nurses) and authorizes regulations

to be made in connection with their practice and employment. Enrollment in the Saskatchewan Dental Plan now extends to children born in the years 1967-1978 (instead of 1966-1974 as previously reported).

Mental health

522. A major review of The Mental Health Act has been undertaken, including an assessment of the effect of the new Canadian Charter of Rights and Freedoms*.

523. Total inpatient population in Saskatchewan's two mental hospitals continued to drop reflecting a continuing emphasis on outpatient, community and general hospital-based treatment facilities and strategies. From 408 in 1978, the total had dropped to 345 in 1982.

Healthier lifestyles

524. In this regard a series of initiatives have been undertaken to promote healthier lifestyles. Ongoing activities include consumer education, liaison with allied agencies, research, and preparation of health education materials. Discontinued programs include the AWARE Program and the Feelin' Good Program (reported in the previous submission).

Old-age benefits

525. Amendments to The Pension Benefits Act, R.S.S. 1978, c. P-6, have increased the flexibility of plans for employees terminating their employment.

Employment injury benefits

526. The principal legislation in this field is The Workers' Compensation Act, 1979, S.S. 1979, c. W-17.1, as amended, which replaced The Workers' Compensation Act, 1974 discussed in the first report. The Act provides financial protection, medical benefits and rehabilitation services to workers and their dependants in cases of injury or death arising out of and in the course of employment. Employers collectively pay the cost of compensation for injuries occurring in their category of industry. In turn, the compensation which a worker is entitled to under the Act takes the place of the right to sue the employer for damages.

527. The Act applies to all employers and workers in all industries in Saskatchewan with the exception of farmers and ranchers, school teachers, household servants, outworkers and persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business. Other exceptions are listed in the Regulations to the Act. Enterprises exempted from coverage may be brought within the scope of the Act by making application. In certain circumstances, compensation under the Act can be made even if the injury occurred outside the province. School age students on approved work study programs are covered.

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* The Mental Health Services Act, S.S. 1984-85, c. M-13.1, which replaces The Mental Health Act, was proclaimed April 1, 1986.

528. At January 1, 1983, the maximum compensable wage under the Act was raised to $29,000 yearly. As earnings loss benefits are based on 75% of gross earnings, maximum compensation equals $21,750 ($29,000 X 75%) or $1,812.50 monthly. Minimum compensation is $805 per month. In addition to earnings loss compensation, workers who suffer permanent impairment receive a lump-sum payment of not less than $500 and not more than $15,000.

529. The Act can in no way reduce benefits awarded under prior legislation for injuries occurring prior to January 1, 1980. In addition, many of the benefits provided by the Act are available to claimants injured under former law.

530. There is no distinction made between an injury and an industrial disease. If a disease is determined to be work induced, it is just as compensable as any other work injury.

531. The Act provides for appeal procedures in respect of the amount of compensation provided for wage loss or permanent physical impairment. To assist workers having a problem with their claim, the provincial Department of Labour provides the services of worker advocates. The worker may also use the services of the provincial Ombudsman after all means of appeal provided for in the Act have been pursued.

Family benefits

The Family Income Plan

532. The Family Income Plan, administered by the Department of Social Services, provides financial benefits to Saskatchewan families with dependent children under the age of 18 whose income and assets are below prescribed levels. As of June 1983, maximum benefits were $91.00 per child, per month, for the first three children in the family, and $81.00 per month for the fourth and subsequent children. The first $8,200 of family income is considered exempt, after which benefits are reduced by $1.00 for each $2.00 of additional income. Applicants are allowed assets of up to $150,000.

PART IV: TERRITORIES

NORTHWEST TERRITORIES*

Introduction

533. The legislative responsibilities of the Government of the Northwest Territories were explained in the Introduction to the Territories' section of Canada's initial report under articles 6-9 of the Covenant and in other reports submitted under both Covenants.

534. It is to be noted that the British North America Act, 1867, mentioned in the initial report, has been renamed the Constitution Act, 1867.

535. Also, the Commissioner of the Northwest Territories no longer submits the territorial government's legislative program to the Minister of Indian Affairs and Northern Development for policy review prior to its introduction in the territorial assembly.

ARTICLE 6: THE RIGHT TO WORK

Principal laws, etc.

The Fair Practices Act

536. The Fair Practices Act, which provides protection against discrimination in employment on the basis of race, religion, religious creed, colour, ancestry, sex, marital status or ethnic or national origin, was described in the first report.

537. In 1981, the Act was amended to prohibit discrimination on the basis of a handicap, age, family of a person, or a conviction for which a pardon has been granted. As amended, the Act also authorizes the Commissioner of the Northwest Territories to approve programs designed to promote the welfare of any class of individuals, and any such program shall be deemed not to be a violation of the Act.

Policies and techniques to achieve steady economic, social and cultural development

538. The five-year Special Rural Development Agreement (Special ARDA) between the federal and territorial governments, signed in 1977 and mentioned in the previous report, has been extended until at least 1987.

539. In 1982, a new joint Government of Canada/Government of the Northwest Territories General Economic Development Agreement was signed. This Agreement continues until March 31, 1987, and will have spent $21 million to develop domestic markets, human resources, and natural resources through sub-agreements in each of these three sectors. The Economic Development Agreement is designed to help northern residents develop their own economy and the aim is to improve skills in business; encourage business growth; develop tourism-related business;

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* Report prepared by the Government of the Northwest Territories.

provide community economic planning; develop northern markets for northern goods; identify potential business opportunities; and give northern residents the option of improving traditional activities while also making possible wage-employment opportunities.

540. Under the Domestic Market Sub-Agreement, funding is made available to create business opportunities; aid expansion of existing businesses; help new businesses to start up; facilitate economic planning by communities; help communities attract professional persons; and help develop markets for northern goods.

541. Under the Human Resources Sub-Agreement, funding is designed to make it possible to plan and develop inter-settlement trade in country foods and soapstone, particularly where aboriginal peoples are concerned.

542. Under the Natural Resources Development Sub-Agreement, funding is available for renewable resource planning in the areas of wildlife, forestry, agriculture, food harvesting and fisheries to ensure that these areas continue to be managed in a way that will best serve the northern peoples and their economy.

543. Additional programs in the Northwest Territories to assist economic, social and cultural development include a Business Development Program which the Government of the Northwest Territories administers for the creation of new businesses. In addition, the Government of the Northwest Territories has a Financial Assistance to Business Program which makes available discretionary funding for emergency needs where a business has a particularly important social or economic role in the Northwest Territories. There is also an Economic Development Support Program to develop a diversified economy in the Northwest Territories in a manner compatible with northern lifestyles. Finally, a Venture Capital program was established in 1985 to attract investment in businesses located in small communities. These programs were to cost the Government of the Northwest Territories approximately $2 million in 1985. The Government of Canada also provides financial support through the Inuit Economic Development Program which is jointly administered by the federal and territorial governments. This program provides loans from the Eskimo Loan Fund ($5 million), loan guarantees (up to $5 million) and contributions ($1.515 million). Last resort funding for Northern businesses is provided by the Northwest Territories Government through the Business Loan Fund.

Technical and vocational guidance and training programs

544. The Apprenticeship and Tradesmen Ordinance discussed in the first report has been repealed and replaced by a new act assented to November 25, 1982.

545. The new Apprentices and Tradesmen Act, S.N.W.T. 1982(3), c. 1, provides for trade training and for the examination and certification of tradesmen. It is administered by the Department of Education.

546. Under the Act, an Apprentices and Tradesmen Qualifications Board, consisting of seven members appointed by the Minister of Education, hears all appeals submitted to it, makes recommendations respecting the training and certification of persons in designated trades, and reviews recommendations of trade advisory committees with respect to training and qualifications of persons in trades.

547. The Act provides for the appointment of a Supervisor of Apprenticeship Programs whose duties are to:

(a) register all apprentices;

(b) file all contracts of apprenticeship and keep a record of all cancellations, terminations, transfers and completions of such contracts;

(c) provide courses of instruction for training within the scope of this Act;

(d) provide for periodic trade tests for apprentices and final examinations for apprentices or candidates for certificates of qualification;

(e) supervise the training of all apprentices;

(f) inspect and approve facilities being used for the training of apprentices under this Act;

(g) provide such information and make such investigation as is required by the Board; and

(h) make such examination and inquiry as he considers necessary to ascertain whether this Act is being complied with.

548. The Education Act, S.N.W.T. 1976(3), c. 2, provides for adult and post-secondary education programs as a means of improving the qualifications and upgrading the skills of those residents who choose to enrol.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

Remuneration

549. The minimum wage in the Northwest Territories, effective April 1, 1986, is $5.00 an hour for all employees (section 13(1), Labour Standards Act as amended by c. 4, s. 2-3, 1985(4)). The youth differential which existed previously has been abolished.

Equal opportunities for promotion

550. The Fair Practices Act prohibits discrimination in promotion (section 4 (1) 1981 (3rd) c. 6, s. 5).

Rest, leisure, limitation of working hours, and holidays with pay

551. As mentioned in the previous report, the principal legislative measure governing rest, leisure, working hours and paid holidays is the Labour Standards Act. Unionized bargaining groups may achieve different benefits in their individual collective agreements.

Normal working hours and overtime

552. The maximum hours of work is 10 hours per day or 54 hours per week (cf. Labour Standards Act, subsection 6(1) 1976 (7nd) c. 3, s. 4).

ARTICLE 9: RIGHT TO SOCIAL SECURITY

Principal laws

553. In addition to legislation of the Parliament of Canada which provides for social security in the Northwest Territories, the following Acts of the Legislative Assembly of the Northwest Territories also provide for social security: Child Welfare Act, R.S.N.W.T. 1974, c. C-3, Social Assistance Act, R.S.N.W.T. 1974, c. S-9, and Senior Citizens Benefits Act, S.N.W.T. 1978(2), c. 13.

Maternity benefits

554. Under the current Collective Agreement between the Northwest Territories Public Service Association and the Commissioner of the Northwest Territories (s. 21.03), a female employee is entitled to 37 weeks maternity leave without pay. Financial assistance during that period is provided by the federal government under the Unemployment Insurance Program.

Old-age benefits

Senior Citizens Supplementary Benefit

555. Under the Senior Citizens Benefit Act, senior citizens who receive the Guaranteed Income Supplement or the Spouse's Allowance under the Old Age Security Act (Canada) and who are resident in the Northwest Territories are also eligible for a supplementary benefit. As of February 1985, this amount is $85.00 per month.

Family benefits

556. Under the Social Assistance Act, families and individuals in need may be eligible for assistance if their monthly income does not exceed limits established by regulations.

557. The Department of Social Services provides a range of services and programs designed to assist children and families at risk. Priority is given to maintaining the family as an independently functioning unit. Support is provided in the form of counselling, financial assistance, home support services, as well as investigation and assessment services. Protection and treatment programs are provided under the Child Welfare Act and a range of programs for individuals, families and communities is provided through Family and Children's Services, Alcohol and Drug Services and Services to the Aged and Handicapped.

YUKON*

ARTICLE 6: THE RIGHT TO WORK

Policies and techniques to achieve steady economic, social and cultural development

558. The following programs, offered by the Department of Economic Development and Tourism, contribute to economic development in Yukon.

559. The Commercial Rate Release Program is designed to equalize commercial power rates up to a specified level for businesses within the Yukon territory. This program is available to businesses that are paying the commercial (not residential) rate for electricity and have annual gross revenues of not more than $2 million. The business must be located outside the city limits of Whitehorse. The purpose of the program is to help to equalize the electrical rates for businesses throughout the Yukon by providing a subsidy on the first 1,000 kilowatt hours of electrical consumption per month.

560. Tourism Incentive Programs are provided for under the Canada-Yukon Tourism Sub-Agreement. This agreement provides $10 million for tourism projects started during 1985-1989.

561. The objects of the Agreement are to encourage the development of new travel products, to increase tourist expenditures, to reduce seasonal fluctuations, and to generate more jobs and incomes. The three programs offered under the Agreement are the Tourism Industry Support Program, the Market Development Program, and the Product Development Program.

562. The Yukon Business Loans Program is designed to stimulate Yukon's small business community. The low-interest loan program is available to entrepreneurs who wish to establish new ventures as well as existing businesses that wish to expand their operations. Assistance is available for capital costs only. The intent of the program is to provide the minimum assistance necessary to supplement equity and bank financing and to ensure that projects proceed.

563. The Special Rural Development Agreement signed in 1977 by the Government of Yukon and the Government of Canada, which was to expire in 1982, has been extended until March 31, 1989.

564. In 1982, the two governments signed the General Economic Development Agreement which is to last until March 31, 1987. It is designed to help the Yukon develop its economy. To complement this general agreement, five subsidiary agreements have been signed. They cover the areas of renewable resources, mineral resources, economic development planning, mining industry recovery, and small business incentives. Under these agreements, the federal government intended to contribute over $16 million for economic development in Yukon.

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* Report prepared by the Government of Yukon.

Technical and vocational guidance and training programs

565. There are three acts passed by the Yukon Legislative Assembly related to occupational training: the Trades School Regulations Act, the Occupational Training Act, and the Apprentice Training Act. The provisions of the first two were explained in the initial report.

566. The Apprenticeship Training Act allows the Commissioner in Executive Council to enter into agreements, appoint individuals and boards, and make regulations, with respect to the training and certification of individuals in designated occupations. It provides for the implementation of apprenticeship training, the examination of individuals, and the issuance of certificates that indicate journeyman status, completion of apprentice and other training programs, and other levels of proficiency.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

Safe and healthy working conditions

1. Principal laws and regulations

567. The Occupational Health and Safety Act was proclaimed in 1986, replacing the Workers' Compensation Act (1983) and the Mining Safety Act. The following regulations were also proclaimed in 1986: the General Safety Regulations; the Occupational Health Regulations; the Mines Safety Regulations; the Commercial Diving Regulations; the Radiation Protection Regulations; and the Blasting Regulations.

2. Implementation procedures

568. Inspectors have access to all work places and may write orders to rectify any situation. Orders are enforceable by the courts.

Rest, leisure, holidays, etc.

1. Principal laws

569. With the exception of public servants, the Employment Standards Act sets out minimum conditions and terms respecting rest, leisure, working hours and holidays which employers must allow. Other relevant acts are the Occupational Health and Safety Act, the Public Service Staff Relations Act and the federal Public Service Staff Relations Act.

2. Application

(i) Weekly rest

570. Each employee must be given at least two full days of rest and, where practical, Sunday should be one of the days.

(ii) Normal hours of work and overtime

571. The standard hours of work, as defined in the Employment Standards Act, "... shall not exceed eight hours in a day and forty hours in a week."

572. Miners working underground cannot, except in cases of emergency, work in excess of eight hours within a 24-hour period.

573. Public servants work seven-and-one-half or eight hours per day but are permitted to work overtime provided they are given specified additional pay or compensatory leave credits.

(iii) Holidays with pay

574. The Employment Standards Act guarantees at least two weeks vacation with vacation pay in respect of every completed year of employment. Where a general holiday occurs during a vacation period, the vacation credit shall be extended by one day.

(iv) Public holidays

575. Public holidays, referred to as general holidays in the Employment Standards Act, are New Year's Day, Good Friday, Victoria Day, Canada Day, Discovery Day, Labour Day, Thanksgiving Day, Remembrance Day, and Christmas Day. The following regular working day is deemed to be the holiday when a general holiday falls on a non-working day.

576. The Public Service Act gives the public servant, in addition to the above, National Heritage Day, Easter Monday and Boxing Day.

ARTICLE 9: RIGHT TO SOCIAL SECURITY

1. Principal laws

577. Relevant territorial legislation includes the Social Assistance Act, the Health Care Insurance Plan Act, the Hospital Insurance Services Act, the Seniors Income Supplement Act, the Day Care Act, the Pioneer Utility Grant Act, the Workers' Compensation Act.

2. Features

(a) Old-age benefits

578. In addition to the federally sponsored Old Age Security Plan and Canada Pension Plan and to private pension plans, the Government of Yukon sponsors specific programs.

579. The Yukon Seniors Income Supplement provides monthly payments of a quantum from $10 to $100 based on income to Yukon recipients of the federal Guaranteed Income Supplement.

580. The Pioneer Utility Grant provides an annual grant of $600 to seniors who own or rent their principal residence and who have occupied the residence for at least 183 days, 90 days of which were during winter months, in the year of application.

581. Health Care Insurance Plan premiums are not required and extended health benefits are offered to seniors. There is also a Pharmacare Plan which provides a benefit of 100% of the cost of specified controlled drugs required by seniors.

582. A Territorial Supplementary Allowance of $125 per month is available as an additional financial benefit to seniors receiving social assistance payments.

(b) Survivors' benefits

583. The Workers' Compensation Act provides benefits to survivors of workers killed on the job. The quantum of benefits is set by regulation. For 1984, the benefit schedule provided monthly benefits as follows:

Widow or widower	$688.00
Dependent child	175.00
Dependent invalid child	196.00
Child - no surviving spouse	23.00
Widow or widower - illness	41.00
Dependent child - illness	41.00

(c) Family benefits

584. The Social Assistance Program provides cash benefits to Yukon residents who are deemed, on the basis of a means test, to be in need. Benefits cover basic needs (food, shelter, clothing, incidentals, utilities, fuel, special boarding or nursing home) and may also be available for special needs (medical, optical, dental, travel, special clothing, back bills, household equipment, child care). Most benefit quantums are determined on a scale relating to family size and community of residence.

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INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

PREAMBLE

The STATES PARTIES TO THE PRESENT COVENANT,

CONSIDERING that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and

Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.
2. No restriction upon or derogation from any of the fundamental

human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade

union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Partes to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination

for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(*a*) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(*b*) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(*a*) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(*b*) The improvement of all aspects of environmental and industrial hygiene;

(*c*) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(*d*) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or

other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:
   (a) To take part in cultural life;
   (b) To enjoy the benefits of scientific progress and its applications;
   (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.
2. *(a)* All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant.
   (b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendations or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.
3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(*a*) Signatures, ratifications and accessions under article 26;

(*b*) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.